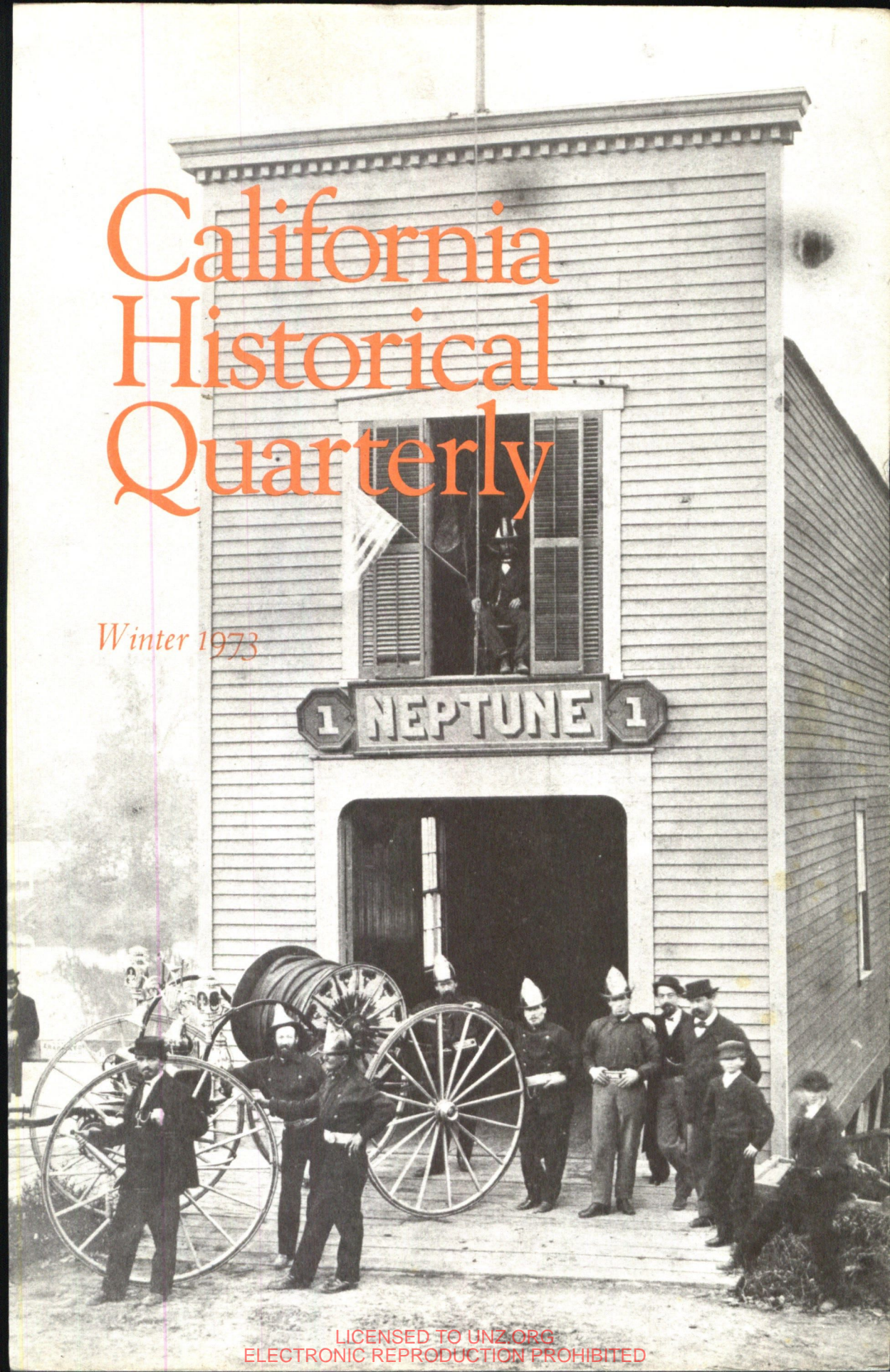


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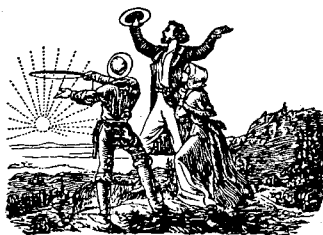
COVER: In 1856 the Neptune Hose Company joined several other volunteer Sacramento fire-fighting units which had been formed since as early as 1850. (*Roger Olmsted Collection*.) This company portrait by an unknown photographer is one of over 300 illustrations in a new society publication, *Sacramento, An Illustrated History: 1839 to 1874*. With a text by Thor Severson, the handsome volume relates the life of the City of the Plain from Sutter's Fort through the wild days of the Gold Rush and into its emergence as a major city and the capital of California.

California Historical Quarterly

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*Sacramento, the "Albany of California," burned to the ground in 1852, despite the valiant efforts of her volunteer fire companies. Lithograph from *Sacramento, An Illustrated History*.*

Table of Contents

VOLUME LII • WINTER 1973 • No. 4

The Politics of Reclamation: California, the Federal Government,
and the Origins of the Boulder Canyon Act—A Second Look

by NORRIS HUNDLEY

292

Buffoons and Brave Hearts:

Hollywood Portrays the Russians, 1939-1944

by MELVIN SMALL

326

Research Uses of County Court Records, 1850-1879,
And Incidental Intimate Glimpses of California Life and Society

Part II

by W. N. DAVIS, JR.

338

REVIEWS

Library Resources

366

Book Reviews

371

California Check List

377

In Memoriam

381

Index

385

The Politics of Reclamation: California, the Federal Government, and the Origins of the Boulder Canyon Act— A Second Look

NORRIS HUNDLEY

*Professor of history at the University of California, Los Angeles,
and editor of the Pacific Historical Review*

FEW MEASURES HAVE HAD A GREATER IMPACT on California and the West than the Boulder Canyon Project Act of 1928. Among other things, it tamed the Colorado River, the life-blood for 244,000 square miles of United States and Mexican land, by authorizing what was then the world's largest dam; it approved construction of the All-American Canal which, when completed, removed the water supply of California's Imperial Valley from Mexico and precipitated the controversial Mexican-American water treaty of 1944; and it complicated an already bitter dispute between Arizona and California over the waters of the Colorado, a dispute which remained unsettled until action by the U. S. Supreme Court in 1963. In addition, it forced, as the price of its enactment, the negotiation of the Colorado River Compact of 1922, the first attempt by a group of states to apportion the waters of an interstate stream among themselves for irrigation and other consumptive uses. The Boulder Canyon Project Act also paved the way for aqueducts and the generation of hydroelectric power which made possible much of the West's phenomenal growth in the twentieth-century—growth which is today being lamented by a large segment of the public which has discovered that pouring water into a desert area often results in congestion, smog, and a polluted water supply rather than the good life.

Because of its significance, the Boulder Canyon Act has naturally attracted

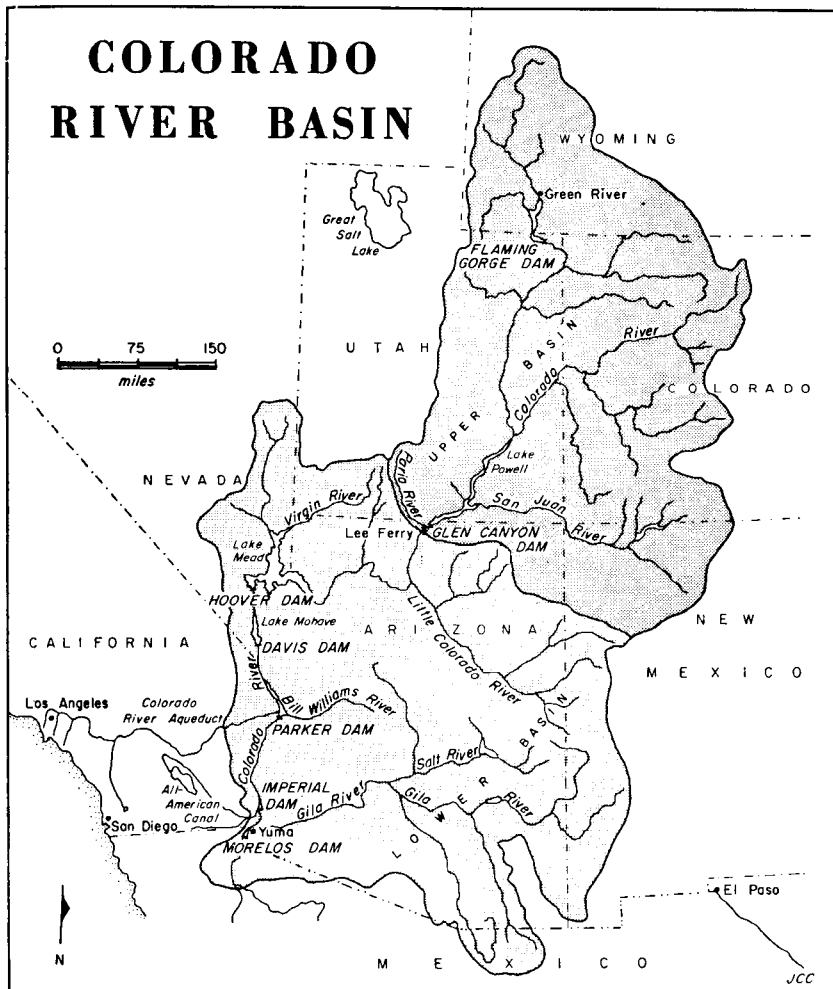
NOTE: Research for this article was made possible by grants from the Sourriseau Academy of California State University, San Jose, and the University of California Water Resources Center.

the attention of historians. Many of them have dealt at least cursorily with its origins, especially developments prior to 1920 when California's William Kettner introduced the first bill calling for the construction of storage works on the Colorado and an All-American Canal—two of the later Boulder Canyon Act's principal features. Though Kettner's measure failed to win approval, it marked the most important step up to that time in the events leading to the Boulder Canyon Project, for it directly precipitated the Fall-Davis report, which in turn became the basis of the various Swing-Johnson, or Boulder Canyon, bills.¹

Though the events which culminated in Kettner's action have not gone unnoticed, neither have they been carefully described and assessed. None of the available literature has drawn on important materials housed in the National Archives or in a number of other public and private depositories, including the M. H. Sherman Foundation and the archives of the Imperial Irrigation District. Indeed, most of the accounts are undocumented, while others, like Paul Kleinsorge's *Boulder Canyon Project*, rely only on printed materials, or, like Beverley Moeller's superb *Phil Swing and Boulder Dam*, concentrate primarily on the activities of a single man or group. Moreover, none of the accounts provides a careful discussion of the strategies and major shifts in policy which occurred during the debates on the Kettner bill.² Then, too, writers disagree on the developments which prompted Kettner's action. For example, commentators like Albert Williams and Remi Nadeau emphasize the activities of leaders from California's Imperial Valley. Those leaders, insist these authors, wanted an All-American Canal, and, to achieve it, they launched a crusade which, like Topsy, just grew until it spawned the enormous program eventually authorized by Congress. "Perhaps the oldest ancestor" of the Boulder Canyon program, states Williams in his *The Water and the Power*, "was the long irritation suffered by the residents of the Imperial Valley by reason of the fact that their main canal had to traverse Mexican territory." To eliminate their problem, notes Williams, they "tied the whole matter into a neat parcel, proposing a dam at Boulder" and an All-American Canal for the valley. Seemingly taking a similar position is Remi Nadeau. "Out of the Imperial Valley's project for the All-American Canal . . .," writes Nadeau, "had grown the whole Boulder Canyon Project. It was . . . 'the tail that wagged the dog.'" Elsewhere in his narrative, however, Nadeau implies that the real origins of the project should be sought elsewhere. He cryptically notes the long-time interest of the Reclamation Service in a Boulder Canyon dam and leaves the reader wondering whether governmental officials should not be given credit for playing the critical role.³

Less equivocal in their judgments are such commentators as David Woodbury, Charles A. Bissell, and Frank E. Weymouth. Woodbury, author of the undocumented and not altogether reliable *Colorado Conquest*, strongly emphasizes the role of federal officials, especially Arthur Powell Davis, director of the Reclamation Service. It was Davis, writes Woodbury, who in 1904 "conceived a plan for developing the Colorado River" and later "forced" the Imperial Valley "to buy its way" into the Boulder Canyon project. Though not quite so strong in their statements, Bissell and Weymouth, authors of a brief sketch of Davis's life, also indicate that the Reclamation chief played the key role. Still other

Arthur Powell Davis, nephew of the famous explorer John Wesley Powell and a disciple of Henry George, directed the federal Reclamation Service from 1914 to 1923. For over two decades he doggedly argued for a comprehensive program to tame, develop, and store the tremendous, uncontrolled resource of the Southwest—The Colorado River. The map shows the Colorado basin and the federal government's projects on the river.



writers adopt a more cautious approach, either dealing tangentially—and unclearly—with the question or ignoring it altogether.⁴

The confusion suggests that a closer analysis of the events prior to 1920 is in order. Such an assessment, drawing upon heretofore neglected materials, makes it possible to describe accurately Davis's role, to round out and correct earlier accounts of the critical developments in the Imperial Valley, to examine in detail the important shifts in position which occurred during the debates on the Kettner bill, and, in general, to reappraise the Boulder Canyon Act's origins.

Although not the first to argue for a comprehensive program of development for the Colorado River, Arthur Powell Davis, who joined the Reclamation Service shortly after its creation in 1902 and who served as its director between 1914 and 1923, became one of the most effective spokesmen for the idea. In part, his importance can be attributed to timing. In the late nineteenth century when his uncle, the famous explorer and second director of the U. S. Geological Survey, John Wesley Powell, had urged development of the West's water-courses, Powell had encountered major obstacles—the need for further scientific surveys, shortage of funds, and differences with congressional leaders over how to proceed. But spurred by his belief that the West's water supply, no matter how carefully managed, could irrigate only a small portion of the land area, Powell had persuaded the federal government to underwrite the discovery of reservoir sites and lands most suitable for irrigation. As early as 1878, in his famous "Report on the Lands of the Arid Region of the United States," he had predicted that reservoirs would some day make it possible to divert much of the Colorado's surplus water to Southern California's fertile valleys. Though he had great vision, Powell does not seem to have envisaged a high dam in the Boulder Canyon area, the dam which in his nephew's later plans became essential to the taming of the Colorado.⁵

Powell's ideas were shared by others, including the popular western journalist Richard J. Hinton, who urged massive federal involvement in the development of the Colorado River. "The disposition of its waters," declared Hinton in 1878, "is a subject over which the General Government should assume entire control, devising some wise and comprehensive plan for irrigation works."⁶ At that time, however, most westerners preferred that reclamation be under state control. But during the next two decades, the inadequacy of such a policy became apparent to careful observers. The enormous expense of river development, the interstate character of most streams, and the federal government's position as the largest landowner in the arid West all pointed to the need for federal involvement. By the end of the century, many state leaders agreed with famed army engineer Hiram M. Chittenden that "a comprehensive reservoir system in the arid regions of the United States is absolutely essential" and that "it is not possible to secure the best development of such a system except through the agency of the General Government."⁷

As Chittenden was making his appeal, hundreds of others were agitating for the same goal through their congressmen and through powerful irrigation lobbies. As their numbers mounted so did their pressure, until Congress finally re-

sponded with the Reclamation Act of 1902. Ironically, that measure, which embodied many of Powell's hopes for a more rational approach to western development, became law as the old explorer lay dying. Though the act was long overdue in the eyes of many, it did represent a major advance by establishing a special agency, the Reclamation Service, and directing it to construct irrigation projects with the proceeds from the sale of public lands in the arid states.⁸ When Arthur Powell Davis joined the newly-created Reclamation Service, he had a ready-made vehicle for pursuing his uncle's—and now his own—goal.

Besides his crusading spirit, Davis, born in 1861 in Decatur, Illinois, brought to his job considerable knowledge about the workings of government. He had learned much about congressional maneuvering from his father, John Davis, a Kansas farmer, newspaperman, and populist, who had served two terms in the House of Representatives. He had learned even more from his uncle whom he had accompanied on several trips West and whose plans for western development he had faithfully supported. But Davis also brought technical skills gained during his years, first, at Kansas State Normal School, and, later, at Columbian College (now George Washington University) from which he earned a degree in civil engineering in 1888. Even before completing his schooling he had embarked on a career with the government by accepting his uncle's offer in 1882 of a position as assistant topographer with the Geological Survey. This job brought him into contact with the arid mesas and canyonlands of Arizona, New Mexico, and California. It also fed his growing interest in the Colorado, a river that he saw for the first time in the summer of 1883 while standing on the rim of the Grand Canyon.⁹

Opportunities for Davis to increase still further his knowledge of the river came in 1894, when he assumed responsibility for measuring the flow of streams throughout the West, and in 1896, when he advanced to hydrographer in charge of measuring all rivers canvassed by the Geological Survey.¹⁰ His talents made a deep impression on his superiors, and, in 1902, they appointed him assistant chief engineer in the newly-created Reclamation Service.

Davis came to his job, too, with more than technical skills and familiarity with the West. He also arrived as a dedicated advocate of the "gospel of Henry George" whose single-tax scheme revealed conclusively to him "that the rights of the individual and the rights of property are not in conflict." For Davis as well as for George, this conclusion rested on a special understanding of the nature of property—an understanding which suggested a remedy for human misery. "A slight change in our taxation method is all that is required," he wrote. "Exempt from taxation every article of wealth owing its existence to human effort; retain nature's store for the benefit of all by taxing society created values and land to its full rental value."¹¹

Like many other idealists who were drifting into the progressive movement, Davis abhorred monopoly, romanticized the small farmer, worshipped efficiency, and viewed the federal government as a major instrument for social and political reform. Though he labored in vain for Henry George's program, he never faltered in his belief that land was a major key to understanding and correcting society's ills. To counter the demoralizing effects of land monopoly, the end of the frontier, and the urbanization of American society, he dedicated his profes-

sional life to reclaiming the desert wastes so that more farmers could be put on the soil and the nation's moral fiber thereby strengthened. While he was a captive of what historians have called the "agrarian myth" and a firm advocate of local control, he also recognized the necessity of central planning and federal funding if the enormous problems posed by the West's rivers were to be overcome. And no river attracted his attention more than the Colorado. "I . . . considered problems in all of the Western States," he later recalled, "but there [was] . . . none which . . . excited my interest and imagination and ambition so much as the development of the Colorado River basin."¹² Other western rivers, like the Columbia, might possess a larger volume of water, but none, he believed, was accessible to more irrigable acreage—and, hence, more future farms—than the Colorado.

As early as the spring of 1902, shortly before Davis joined the Reclamation Service, he outlined for fellow engineers a general plan for "the gradual comprehensive development of the Colorado River by a series of large storage reservoirs." By the fall he was ready to suggest the location of dam sites. "It is my present idea," he told J. B. Lippincott, a noted California engineer and the head of federal reclamation activities in the Southwest, "that the first construction should be a dam at the gorge below the mouth of Bill Williams' Fork, as high as appears practicable from the local conditions." After that, dams should then be built at Bulls Head, just above the first reservoir, and in Black Canyon, some twenty miles below Boulder Canyon.¹³ Actually neither Davis nor anyone else had accumulated enough technical data to justify immediate construction at the locations he had mentioned. But he knew that a search for sites in the West was being planned and did not want any lower Colorado sites to be overlooked.

The reconnaissance of the lower river, completed in 1902, proved most encouraging to Davis and others interested in developing the Colorado. Though much field work remained to be done, the report revealed considerable irrigable acreage near the stream and the existence of numerous reservoir sites from which water could be diverged to surrounding mesas. But "the best dam site," noted Lippincott, was in a "narrow box canyon known as Boulder Canyon."¹⁴

Though the reconnaissance dramatized the federal government's interest in the Boulder Canyon area, other individuals had mixed feelings about the storage potential of northeastern Arizona's deep canyons. In the 1890's, Nathan Oakes Murphy, who had served twice as Arizona's territorial governor, was ridiculed by his Democratic opponents for his "great chimerical schemes to dam the Colorado and irrigate . . . land between the grand Canyon and Phenix (sic) and between Phenix and the border line" with Mexico.¹⁵ Ironically, one of those poking fun at Murphy was Anson H. Smith, editor of the Kingman *Mohave County Miner* and eventually a leading proponent of damming the Colorado. By late 1894 he, too, was advocating storage reservoirs on the nearby river and urging his readers "to grasp the good things laying at our very threshold." This storage, he predicted, would provide cheap electricity for the state's numerous mines and irrigation water for the fertile valleys, thus making possible a "veritable Garden of Eden."¹⁶

While Smith and the others who had shared his dream continued to agitate on Arizona's behalf, the federal survey of 1902 significantly altered opinions

by arousing the Reclamation Service to the value of the Boulder Canyon area. The possibility of dams on the lower river proved exciting, but the cost of such an undertaking and the need for additional surveys prevented early action. Even Lippincott dragged his feet, downplaying on one occasion the need for storage, while on another arguing that dam construction should be confined to the upper river. "Storage on the Lower Colorado is impossible," he declared in 1904, "because of unsatisfactory bed rock conditions and the high percentage of silt." In disagreeing, Davis joined with two colleagues and prepared a rebuttal statement which they sent to Frederick H. Newell, director of the Reclamation Service. If dams were limited to the known sites on the upper river, they argued, then the flood waters of more than a dozen tributaries accounting for half or more of the river's runoff would be lost. They believed good sites were available on the lower river and sought permission from Newell to inaugurate exploratory studies, especially in the Black Canyon area, that would prove them correct.¹⁷

While Newell was sympathetic, he lacked funds and had to contend with public impatience over long-term projects. Reluctantly he vetoed the request. "I appreciate that we should guard the interests of the future," he explained, but "at the same time we must show to Congress as few of these general expenditures as possible and not have a great number of petty charges made on account of future work."¹⁸

Despite the setback, Davis's interest in a comprehensive program of development continued and increased markedly in 1907 when President Theodore Roosevelt, alarmed by a major flood on the river, urged Congress "to enter upon a broad, comprehensive scheme of development for all the irrigable land upon [the] Colorado River."¹⁹ Nothing was done, however. Lack of funds, insufficient public pressure, and the passing of the flood threat caused Congress's interest to wane and postponed further surveys on the lower river. Still, Davis managed to retain his enthusiasm, and, as he advanced in rank within the Reclamation Service, he never lost sight of his goal.

By 1913 when Davis was serving on the Reclamation Commission (the panel then directing the Reclamation Service), the development of the Colorado had become almost an obsession with him. His position within the service's hierarchy encouraged him to approach his associates on the commission and ask for authority to initiate "a systematic investigation of the Colorado River." His colleagues, however, did not think the time was right for such an undertaking, and they rejected his request. He then appealed to newly-appointed Secretary of the Interior Franklin Lane, a man who had earlier claimed to be a strong advocate of federal conservation and reclamation programs. Davis decided to test Lane's commitment to western irrigation development, and he was delighted to find that the secretary was as good as his word. In late 1913 Lane released enough funds to inaugurate the long-sought "investigation of the Colorado River basin, with a view to making plans for its full development."²⁰ That investigation was a lengthy undertaking, often threatened by inadequate funding, but Davis was able to guide its efforts personally after 1914 when he became director of the Reclamation Service. In his new position he was also better able to seek out and stimulate public and private support for his ideas. His warmest advocates turned

out to be Californians, especially those living in a southeastern part of the state known as the Imperial Valley.

Imperial Valley farmers at first showed little interest in a comprehensive plan of development like that advocated by Davis. What they sought was a special irrigation canal, an "All-American Canal," as they called it, which would give them greater control over their water supply and assure the future growth of their area. Nevertheless, the peculiar nature of their problem and the force of their demands encouraged Davis and eventually resulted in the Kettner bill.

That Californians in the Imperial Valley would be interested in water, and particularly in a special irrigation canal, was almost inevitable. Their homes and farms were located in a most arid region, bordered on the east by the forbidding Sonora Desert and on the north by the desolate Colorado Desert. Rainfall in the valley is virtually nonexistent, averaging three inches and dropping to as little as a half inch in some years, while temperatures sometimes soar to more than 120° during the summer months. The valley forms part of the Salton Sink, a great basin surrounded by mountains on all sides, except the southeast, which straddles the international border. Running from northwest to southeast the basin is about 100 miles long and 35 miles wide. It forms at its northern, narrow end California's Coachella Valley, while at the southern extremity it becomes Mexico's Mexicali Valley. Sandwiched between are the 600,000 acres of the Imperial Valley.²¹

The river is the valley's life blood and also the source of the area's enormously rich soil. Flowing on a ridge above sea level, the stream, during past ages, had periodically torn through its banks and poured into the lower lying valley, creating a large inland lake of fresh water. A primary cause of these diversions had been the silt picked up by the river as it gouged its way through arid upstream canyons in its relentless march to the sea. In its natural state the Colorado was one of the heaviest carriers of silt in the world, carrying about five times that of the Rio Grande, ten times that of the Nile, and seventeen times that of the Mississippi. As the Colorado neared its delta, its speed decreased, and it dropped much of its silt load, thus causing the channel to rise above the surrounding countryside. In past centuries, the channel or broad bed was often unable to contain the heavy spring runoffs or flash floods of summer. When this occurred, the river ruptured its banks and flowed into the nearby basin until silt deposits again altered its course. By the twentieth century, these periodic floods, the last major one occurring only shortly before Spanish discovery in the mid-sixteenth century, had gradually extended the delta many miles southerly into the Gulf of California and northerly into the United States. The floods had also left behind enormous quantities of rich alluvial soil that was thousands of feet deep in places and which attracted the attention of the earliest visitors.²²

First to formulate a feasible way to irrigate the valley by gravity canal was Dr. Oliver M. Wozencraft, who conceived the idea in 1849 while passing through the area on his way to the California gold fields. Not until several years later, however, when William P. Blake, a government geologist who had traversed the region in search of a railroad route, publicized the valley's agricultural potential did Wozencraft turn his full energies to a reclamation scheme. Together

with an engineer friend, San Diego County Surveyor Ebenezer Hadley, he devised a plan to irrigate the valley by diverting water through the Alamo, an overflow channel of the Colorado River which ran through Mexico and bypassed the large, shifting sand hills that separated the river from the valley on the American side of the border.²³

Unfortunately for the success of Wozencraft's scheme, he felt that he had to own the land to be reclaimed. In 1859 he persuaded the California legislature to support his request for a grant of 1600 square miles from the public domain, but Congress, preoccupied by the threat of Civil War, found little time for the proposal. Finally, when it considered the matter in 1862, it rejected Wozencraft's plea. Some House members considered the cession too large and valuable for one man, while others denounced the scheme as foolish. Undaunted, Wozencraft spent the remaining twenty-five years of his life and his entire personal fortune in a vain attempt to persuade Congress to change its mind.²⁴

Wozencraft failed, but his dream was largely realized in the accomplishments of Charles R. Rockwood who "rediscovered" the Imperial Valley in 1892 while investigating the possibility of irrigating lands in nearby Sonora. Like Wozencraft, Rockwood believed that the valley could be transformed into a garden, but unlike his predecessor, he felt no need to own the land. He realized that the area was virtually worthless without water, and he drew up plans to introduce and control a water supply. To further his aims, he created in 1896 the California Development Company and traveled to American and European financial centers in search of the necessary capital to underwrite his project.²⁵

Depressed economic conditions and poor management nearly scuttled the undertaking before Rockwood enlisted the support of well-known engineer George Chaffey, who was looking for new ventures following completion of his irrigation projects in Australia and the Southern California communities of Etiwanda and Ontario. Though earlier convinced that white men could not live in the harsh climate of the Imperial Valley, Chaffey had changed his mind after his Australian experiences. In 1899 he joined Rockwood, and almost immediately his reputation, expertise, and financial backing attracted national attention to the undertaking. Though money difficulties continued, by 1900 settlers were pouring into the valley in response to the promise of water and the attraction of the area's new name, "Imperial Valley," which Chaffey preferred to "New River Country" or the more forbidding Colorado Desert or Salton Sink, as the area had been known.²⁶

Wasting little time, Chaffey tapped the river just north of the border and, following a plan closely paralleling that devised earlier by Wozencraft, fed the water into the Alamo which went around the California sand dunes and through Mexico for fifty miles before turning north again to the United States. On June 21, 1901, the first water reached the valley.²⁷

The introduction of water touched off a major land boom. Within eight months 2000 settlers had arrived, the towns of Imperial and Calexico had been laid out, 400 miles of canals and laterals had been built, and more than 100,000 acres were readied for cultivation. Contributing to the phenomenal growth were the mutual water companies created by the settlers to purchase water from the California Development Company and to handle distribution to individual

farmers. The plan worked well. By 1909 the population had mounted to 15,000 and 160,000 acres were under irrigation.²⁸

Though the rapid influx of settlers and the ready market which farmers found for their crops pleased valley leaders, other developments caused concern. Especially vexing was the valley's deteriorating relationship with Mexico, a predicament stemming largely from the conditions of the agreements made by Rockwood regarding the project.

To control the diversion route below the border, Rockwood had been compelled to negotiate with Guillermo Andrade who owned the land involved. In their agreement Andrade sold 100,000 acres, but for payment he demanded water as well as money; in fact, he demanded "all water necessary . . . for the irrigation of the other lands" below the border in which he retained an interest—more than 600,000 acres.²⁹ The price was not so steep as it seemed, however, since the water brought through Mexico could also be used to reclaim 85 per cent of the land which Rockwood and his associates planned to purchase from Andrade. "While our principal object in purchasing this tract of land was to acquire title to the Alamo Channel," noted Rockwood, "we expected, through the increase in value of the land itself, to more than repay the cost of building the entire system."³⁰ Mexican law complicated Rockwood's scheme, however, since foreigners were forbidden to own land within 100 kilometers of the international border. In 1898 he skirted this difficulty by creating a Mexican corporation—Sociedad de Irrigación y Terrenos de la Baja California—and placing the acreage in the company's name.³¹

News of the agreement and subsequent diversion of water angered the Mexican government which had been unaware of the negotiations between Rockwood and Andrade. In late 1901 the Mexican ambassador lodged a strong protest in Washington, claiming that the diversion might result in "a change in the course or complete exhaustion of the Colorado River," thereby violating his country's navigation rights as guaranteed in the treaties of 1848 and 1858.³²

The United States, however, was convinced that there was no treaty violation. Water had been diverted in American territory, not Mexican, stated the investigators, and Mexico could not properly claim jurisdiction over citizens within the United States. To hold otherwise would be to surrender national sovereignty. This position had been taken six years earlier by Attorney General Judson Harmon when a similar situation had arisen with Mexico over the waters of the Rio Grande.³³

Though dissatisfied with the American reply, Mexico did not interfere with Rockwood's operation. It had no interest in using the river for navigation, and its officials realized, reluctantly, that by 1901 the settlement of the Imperial Valley was a *fait accompli*. In fact, to meddle with the area's water supply now, they believed, might lead to the loss of Baja California and a "new mutilation" of Mexico "like that . . . which North Americans have euphemistically called the 'Gadsden Purchase.'"³⁴ Nevertheless, Mexico was anxious to strengthen its position and, three years later, it found an opportunity to do so.

Ironically, in 1904 the United States government provided the opportunity by refusing to approve Rockwood's diversions from the river. Even though Rockwood and his associates had carefully established their claim under California

law in 1899 when they had filed for 10,000 cubic feet of water per second, they had overlooked the fact that the government of the United States as well as of Mexico considered the Colorado to be a navigable stream.³⁵ Thus, permission to divert water had to be obtained from the Department of War, but Rockwood had neglected to do so.

So far as most Washington officials were concerned, the river's value for navigation was slight. Nevertheless, navigation, even if largely a fiction, represented a powerful weapon in the federal arsenal, and it could be used to aid the newly-created Reclamation Service in its piecemeal attempt to develop the Colorado. Reclamation officials planned to construct four large reservoirs between Needles and Yuma for reclaiming 90,000 acres along the river, most of it in Arizona's Yuma Valley. To reduce the cost of the reservoirs, they wished to include the Imperial Valley in the project. If this were done, however, the Reclamation Service would have to take over the operations of Rockwood's California Development Company, a move which would put Rockwood and his partners out of business. To strengthen its hand, the Reclamation Service announced that the company's diversions were illegal and then appealed to the Imperial Valley settlers to join the Yuma project.³⁶

Panic stricken, Rockwood pleaded with the War Department for the necessary diversion permission. The department refused, claiming that it could not approve projects already completed, though it promised not to interfere so long as the company's operations did not affect the river's navigability. This offered little comfort to Rockwood and his associates who then tried to persuade Congress to declare the river more valuable for irrigation than navigation. Congress, however, declined to come to their rescue. It wanted to avoid disputes with Mexico over the navigation clauses and with the Reclamation Service over its irrigation projects. It also doubted that the California Development Company was capable of sound management.³⁷

Blocked in Washington, Rockwood and his allies soon faced a threat from another quarter. The intake of the Imperial Valley canal had silted up during the winter of 1903-1904, depriving the settlers of water for which they had contracted. Bypasses were cut around the headgate, but these, too, silted up and resulted in crop losses and the filing of damage suits totaling a half million dollars.³⁸ Frustrated now by a combination of obstacles north of the border, the company decided to ask Mexico for permission to divert water below the line.

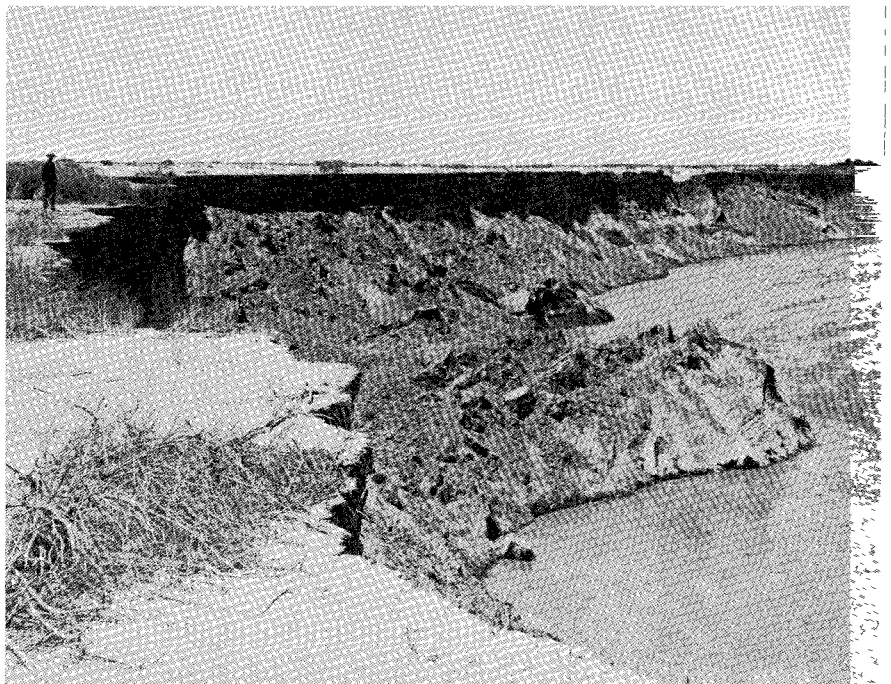
Mexican officials observed the company's plight with increasing interest. While they had resented the surreptitious manner in which Rockwood initially brought water into the valley, they saw that his problems gave them an opportunity to improve their own position. In May, 1904, they let him cut an intake in their country, but only in exchange for some important considerations. As Andrade had done, they insisted on water, demanding rights to as much as half the water diverted. In addition, they demanded the authority to set water rates for Mexican lands and to determine where the water would be used. They also forbade Rockwood and his associates to sell the concession to any foreign government or to enter into partnership with another country. Moreover, the entire undertaking was made subject to the Mexican judicial system, and any appeal of grievances to a foreign power would terminate the agreement.³⁹ While the



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The introduction of water to the Imperial Valley by promoter Charles R. Rockwood (left) in June, 1901, touched off a major land boom. Within eight months, 2000 settlers had arrived, the towns of Imperial and Calexico had been laid out, 400 miles of canals had been excavated, and more than 100,000 acres readied for cultivation. Rockwood's schemes were permanently thwarted when an inadequate headgate and unusually heavy rains in 1905 caused the entire Colorado River to flow through the intake, turning the dry Salton Sink into the Salton Sea. Flood waters inundated Calexico and Mexicali (above) in 1906 and gouged channels 40 to 60 feet deep and 1000 to 1500 feet wide (note the man at left in the picture below) through cultivated fields in the Imperial Valley.



terms were harsh, company officials believed they had no choice except to agree to them.

At first all seemed to go well. The new heading was constructed, water was delivered in time for the 1904-1905 winter crops, and pressure from federal officials lessened. Since the United States could not own the concession in Mexico, the Reclamation Service dropped its attempt to merge the Imperial Valley with the Yuma Project. Encouraging news also came from the secretary of the interior who recommended that valley settlers be protected in their present water rights.⁴⁰ Despite the promise of renewed calm, however, problems arose which, in time, sent valley residents scurrying for help to the same federal government they had earlier sought to escape.

The new difficulties stemmed primarily from the Mexican concession. Valley settlers soon found intolerable the tandem arrangement with Mexico which the concession had fastened on them. Disenchantment began growing shortly after a disastrous flood wreaked havoc in the valley from 1905 to 1907. As with so much else, Rockwood must share major responsibility for the flood and the increased strain in relations with Mexico which it caused.

Because high water had seldom been a threat in previous winters and because his company was in financial straits, Rockwood in 1904 had failed to provide his new Mexican intake with an adequate headgate. Unfortunately for him, 1905 proved to be an unusual year. Flood waters began rising in February, gouging away at the banks surrounding the cut faster than he and his men could fill the breach with pilings and sand bags. Five floods eventually hit during the winter and spring until, by August, 1905, the entire river was pouring into the intake, now a half mile wide at its juncture with the Colorado. In a matter of weeks, much of the Salton Sink became the Salton Sea.⁴¹

The flood destroyed Rockwood's dream of financial fortune and ruined the California Development Company. In the spring of 1905 the firm surrendered its management and much of its stock to the Southern Pacific Railroad in exchange for help. The task even challenged the resources of the Southern Pacific which labored until February, 1907, before railroad crews finally controlled the river. For two more years, the Southern Pacific managed the valley's water affairs until creditors forced the California Development Company into receivership. At that point relations with Mexico, already strained because Rockwood had failed to obtain Mexican approval of the engineering features of the intake, became even more tense.⁴²

Part of the difficulty stemmed from the appointment of two receivers, one American and the other Mexican, to handle the company's assets. This subjected irrigation operations to the vagaries of two legal systems and led to numerous disagreements between the receivers. One result was that protective work on the lower river came almost to a halt, causing the levee system to deteriorate badly. Only the absence of severe flooding prevented a repetition of the earlier disaster. Compounding the problem and increasing the alarm of valley residents was the fact that the principal canal and most of the company's levees were in Mexico while the revenue necessary to maintain those works came almost entirely from the United States. American creditors were anxious that as little money as possible be spent on maintenance and canal extensions, preferring instead that

revenue be credited to the company's account. "No one seems to think it worthwhile to worry about the condition of the Alamo Channel," complained C. N. Perry, Imperial County surveyor. "Two dredgers lie moored to the bank and no one seems to care." Too many people, he grumbled, were "fighting about how to take care of the water at this end and then ignoring the fact that it has to be brought here first."⁴³ Not surprisingly settlers soon began clamoring for redress. To free themselves from the receivers, they demanded public ownership of the water supply system, and, to eliminate the problems with Mexico, they demanded a canal wholly in the United States, an "All-American Canal."

Since valley residents considered the dual receivership their most immediate difficulty, they concentrated first on achieving public ownership. They took a major step toward their goal in 1911 when they created the Imperial Irrigation District, an agency which gave them a powerful voice in valley affairs. Through the officers they elected to the board of directors, they could issue bonds, levy assessments, condemn property, and, most importantly, purchase and operate the valley's irrigation system.

Following its organization, the district moved immediately to acquire the irrigation system, but legal complications involving the two receivers and damage claims arising out of the 1905 flood delayed action until 1916. In that year the Southern Pacific purchased the assets of the old California Development Company at a receiver's sale and then, except for the company's irrigable land in Mexico (some 70,000 acres of the original 100,000-acre tract remained), turned around and sold everything to the district for \$3 million. The railroad, busy with its other operations, had no wish to go into the irrigation business. The district, of course, was delighted with the railroad's decision, but, to assure no violation of Mexican law, its board members agreed to place the stock of the Mexican subsidiary—now called the *Compañía de Terrenos y Aguas de la Baja California*—in their own names rather than in the name of the district.⁴⁴ With this move public ownership of the canal and levees was finally achieved, and one problem solved. But other difficulties with Mexico continued, causing many to back an All-American Canal.

Insistence on a water delivery system located wholly in the United States mounted steadily following creation of the Imperial Irrigation District in 1911. The reasons were understandable. Public ownership might give valley residents greater control over their water supply, but, so long as the main canal remained in Mexico, their control would be far from complete—or even decisive. This was dramatically brought home to them in 1911 and again in 1914 when revolutionary conditions in Mexico threatened to disrupt the supply. At one time in 1914, following the American invasion of Veracruz, some 600 Mexican soldiers, armed with machine guns, camped just across the border. In response to the valley's frantic calls for help, the California governor sent a battalion of the state militia into the area, and it was quickly joined by a volunteer cavalry troop made up of local residents. If necessary, valley farmers were prepared to invade Mexico to protect their water supply.⁴⁵

Unsettled conditions in Mexico had other disconcerting effects. Dead horses and mules were often found in the canal along with bodies of revolutionary victims.⁴⁶ Since valley residents took most of their household water from the

canal, they were understandably upset. They were also alarmed by Mexico's refusal to play a decisive role in helping to check the flood threat below the border. Because much of the land on the Mexican side sloped northward, a break in the canal could lead to a duplication of the earlier disaster. The United States Congress had recognized the problem following the 1905 break and had authorized several appropriations for flood-control work, but its aid was hampered by Mexican officials sensitive to American involvement. American army engineers were compelled to don civilian clothes and to operate through a Mexican company. They also lost considerable time and encountered great difficulty in importing necessary supplies and equipment. Once the revolution broke out, they had to make special arrangements with General Estaban Cantú and other revolutionary leaders in northern Mexico who imposed requirements of their own. By 1915, Congress had decided to withdraw from the increasingly awkward situation. Believing that it had done its part, Congress refused to appropriate more money, thus forcing valley residents to shoulder the burden of flood control in Mexico.⁴⁷

That burden was assumed reluctantly, not only because Mexican harassment continued, but also because the flood menace worsened, thus causing expenditures to increase sharply. Farmers watched the cost of protective work jump from \$100,000 in 1915 to nearly \$1 million in 1916. Though the expense declined in 1917, it hovered around the half-million dollar mark during each of the next four years.⁴⁸ Even so, much water, perhaps 30 to 50 per cent, was lost through seepage and evaporation in Mexico where the canal's poorly defined banks merged with nearby sloughs and swampy areas.

But seepage represented a minor hindrance compared with the threat of a major flood which constantly hung over the valley. As the silt raised the bed of the river, levees had to be strengthened and extended. This, in turn, required a heavy cash outlay which the valley raised through tax assessments on land. Those assessments skyrocketed from \$.70 for each \$100 of assessed valuation in 1915 to \$3.25 in 1918, nearly a five-fold increase in three years.⁴⁹

Of course, valley residents made money during these years of rising taxes. By 1918 they had more than 360,000 acres under cultivation, and their property exceeded \$100 million in value, more than nine times its worth in 1907, the year when the flood had been checked and farming operations normalized.⁵⁰ Still, many resented Mexico's refusal to share in the cost of the levees below the border, levees which protected Mexican as well as American land. They resented as well the duties which they were often forced to pay on equipment, rock, and animals used in protective work south of the line. They denounced the requirement that all plans and specifications for improvements be cleared with officials in Mexico City, a requirement that led to costly delays and saddled them with two masters—the California state engineer and Mexico's Secretaría de Fomento who often disagreed over how valley engineers should proceed.⁵¹

But, in order to maintain growth, they endured such hardships and did even more to maintain Mexico's goodwill. "We were invited at one time," complained an irrigation district official, "to build a road of a certain length in Mexico. We are not in the road-building business, and we are under no obligation to build roads, yet we built the road."⁵² Such "favors" only intensified the valley's desire to take its water supply route out of Mexico.

An even greater spur to activity among valley residents was the realization that the land in Mexico being protected by their flood control appropriations belonged to Americans. The largest single landholder on the Mexican delta was the Colorado River Land Company, a syndicate controlled by Los Angeles businessmen, the most prominent being Harry Chandler, publisher of the *Los Angeles Times*. Chandler and his partners owned some 840,000 acres which they had purchased in 1904-1905 and then leased in piecemeal fashion to Mexican, Japanese, and, especially, Chinese farmers.⁵³

Chandler's use of Oriental labor intensified the anger of valley farmers who accused the Colorado River Land Company of giving to "Japs and Chinamen" water which properly belonged to "red-blooded, free Americans." The racism in their hostility was unmistakable, and they used the opportunity to denounce Asiatics in their own country who, they claimed, "undermine our social standards, destroy the efficiency of our schools, and fill our courtrooms." By aiding such people, they declared, Chandler was betraying "the real American home builder" and, in addition, subjecting Americans to unsanitary conditions. "Who wants to drink from a stream," asked W. H. Brooks, a member of the Imperial County Board of Supervisors, "when he knows that there are 7,000 Chinamen, Japs, and Mexicans camped on that stream a few miles above in Mexico?"⁵⁴

As Brooks and others north of the line watched Chandler's operations expand, however, they became less alarmed about who was using water in Mexico than about the fact that the water was being used. Their attention came to focus increasingly on the concession of 1904, the agreement permitting farmers below the border to take up to half the water diverted through Mexico.

When first negotiated, the concession seemed to represent no serious danger. The Mexican delta was sparsely populated, lacked capital, and possessed inadequate means for transporting goods to market. But the arrival of Chandler and his associates, the containment of the 1905-1907 flood, and the completion of the Inter-California Railroad between Mexicali and Yuma in 1909 led to rapid development of lands below the border. As early as 1908, about 7,000 acres were under cultivation, and within two years that figure more than doubled and then doubled again during the next three years. Although revolutionary conditions worried settlers in the Imperial Valley, there was little interference with agriculture in Mexico. By 1916, the year when the Imperial Irrigation District purchased the water delivery system from the Southern Pacific Railroad, farmers in Mexico were irrigating over 67,000 acres, planted mostly with cotton. Two years later the figure stood at 118,500 acres, and it continued to mount in response to rising cotton prices and improvements in transportation.⁵⁵

These dramatic increases in acreage below the border alarmed settlers in the Imperial Valley. Their alarm intensified during the summer months, especially in 1916, when the river's flow dropped markedly and forced the rationing of water.⁵⁶ To farmers in the United States, the limited water supply, Mexico's growth, and the 1904 concession cast a cloud over their future, a cloud which they did not think the American acquisition of Baja California could dissipate. In fact, they believed that such a move would only worsen the situation. "If you took this [Mexican] territory . . .," announced a valley leader, "you would allow these people down there who have made contracts with the Mexican company . . . the right to go into our courts and enforce them against us and, naturally,

that is what the people down there want. It would be a fine thing for them," he declared, "but it would put . . . a bunch of millionaires against a bunch of farmers, and . . . it would be absolutely ruinous to us."⁵⁷

Imperial Valley farmers need not have worried. Mexico, too, opposed such a solution. Still sensitive over her nineteenth-century territorial losses to the United States, her leaders refused even to consider the alienation of land.⁵⁸ Unable and unwilling to solve their problem by territorial acquisition, valley spokesmen concluded that their only alternative lay in building an All-American Canal.

Talk about such a canal had preceded the problems with Mexico, going back to the last quarter of the nineteenth century. As early as 1876 the Army Corps of Engineers had investigated the possibility only to consider it impractical. Shortly after the turn of the century the Reclamation Service looked into such a canal as a way of tying the Imperial Valley into its Yuma project, but the estimated costs were so high that nothing was done.⁵⁹ Though the topic attracted occasional interest thereafter, serious consideration did not begin until 1912 when the newly-created Imperial Irrigation District began looking for a way to escape the Mexican receiver of the bankrupt California Development Company. On March 23 board members inquired into the possibility of a canal, but the costs involved as well as the district's decision to concentrate its attention on acquiring and improving the already existing irrigation system caused interest to lag.⁶⁰ Leadership then passed to Mark Rose, an aggressive, blunt-spoken farmer who was motivated by the growing problems with Mexico and his own desire to make money.

Rose had arrived in the valley in 1901 as a young man of twenty-seven anxious to make his fortune. He had gone to work on the ditch gangs of the California Development Company, saved his money, and in time became a successful farmer with scattered holdings throughout the valley. He was especially attracted by the possibilities of a 200,000-acre tract of government land known as the East Side Mesa. The acreage was at too high an altitude to be watered by the canal through Mexico, but a canal located wholly in the United States would do the job.

Together with thirty others, Rose created the Imperial Laguna Water Company to further his scheme and badgered irrigation district officials to support him.⁶¹ Though he persuaded them to include the mesa lands within the district's boundaries, he found them unwilling to undertake construction of the expensive canal. He then decided to skirt the district's opposition by going to Washington where, in 1917, he negotiated a contract with Secretary of the Interior Franklin Lane permitting him and his associates to build the canal if it proved feasible.⁶²

News of Rose's contract alarmed irrigation district officials. They feared that he might acquire a prior water right, thus putting the district in an even more precarious position on the river. They also worried that he would create a serious drainage problem for the valley if he failed to take adequate precautions when he poured water onto the sandy upland areas. To protect themselves against these threats, they quickly took defensive steps. They frustrated Rose by denying him permission to cross land which they owned and which stood in the path of his proposed route. Then they went on the offensive.

"If an All-American Canal is to be built," the district's chief counsel told the board members, the Irrigation District "should build and operate it."⁶³ District officials agreed. In November, 1917, they asked the secretary of the interior to make an immediate survey determining the cost and feasibility of an All-American Canal connecting the Imperial Valley and Laguna Dam, a small diversion facility located just north of the border and used since 1909 by the Reclamation Service to supply its Yuma Project.

The tie-in at Laguna Dam represented an important consideration. It offered a special advantage to Imperial Valley farmers and promised to lessen the resentment of some Yuma settlers who felt threatened by Imperial Valley operations. The problems with the Arizonans derived from difficulties experienced by the Imperial Irrigation District in diverting sufficient water during periods of low flow. At such times, an expensive weir, or small dam, was placed in the river in order to raise the level high enough to permit diversion. But the weir created a flood danger to Arizona lands upstream. During periods of heavy runoff, it caused the river to back up, inundating valuable farmland and, in 1916, even flooding the town of Yuma. Arizonans struck back by obtaining a court injunction forbidding use of the weir except under carefully controlled conditions. The Imperial Irrigation District was required to post a half-million dollar bond and to remove the weir before the high-water season. District officials agreed to the conditions, though reluctantly, since the building and dynamiting of the weir increased their annual operating costs by more than \$100,000. In addition, the district expended some \$155,000 to protect Arizona lands against erosion caused by the weir.⁶⁴ But construction of an All-American Canal with a heading at Laguna Dam promised a permanent settlement of the problem. And such a solution seemed mandatory when worried Arizonans began threatening to force removal of the weir regardless of the steps taken by the valley residents.

Determined to eliminate the difficulty involving the weir and to escape the threat from Mexico, district officials turned for support to Secretary of the Interior Lane and Reclamation chief Davis. Both men were sympathetic. Now that Rose had been removed from the picture, Lane agreed to a canal survey, but only on the condition that the district pay \$30,000 or two-thirds of the survey's cost. He also agreed to the connection at Laguna Dam, but he insisted that the district pledge \$1,600,000 for the privilege. His conditions received the strong approval of valley residents at a mass meeting in early 1918. In mid-February a contract was signed with the government, and a committee of three engineers, a so-called All-American Canal Board, was appointed to make the survey.⁶⁵

In December the engineers issued their preliminary report. To the delight of valley residents, they recommended construction of the canal, though their estimated cost of \$30 million for the sixty-mile aqueduct caused some residents to have second thoughts. Still, enthusiasm remained high—so high, in fact, that in January, 1919, settlers went to the polls and voted by a five-to-two margin to endorse the irrigation district's contract with the Interior Department. Strong opposition came only from residents near Calipatria and Calexico where Chandler and his partners owned considerable acreage.⁶⁶ Since Chandler and his

friends possessed even more land in Mexico, they naturally opposed the All-American Canal as a threat to their holdings below the line.

Also unsettling to Chandler was another proposition on the ballot in 1919. It asked voters whether they favored making the Imperial Valley part of a "unified Colorado River project" in which major storage reservoirs as well as the canal would be sought. Responsible for the query were Roy McPherrin and J. S. Nickerson, two irrigation district directors who believed that the valley would never be safe without adequate storage. Their proposition received strong endorsement from settlers who approved it by an overwhelming vote of 2355 to 495.⁶⁷

Beneath the surface, however, there was considerable disagreement among valley leaders over the question of storage. Though in favor of flood control, many objected to tying the canal to any larger project. Such a move, they feared, would raise ticklish questions concerning water rights and funding which would delay, perhaps even kill, attempts to obtain the much-sought aqueduct. Their resistance lessened somewhat in March, 1919, when representatives of the West Side Irrigation Company, Imperial Laguna Water Company, and the newly-created All-American Canal Association of Los Angeles attended an irrigation district meeting. These representatives wanted to develop some 400,000 acres, mostly public land, located outside the district's boundaries and at too high an altitude to be watered by the Mexican canal. Also in attendance were officials of the Coachella Valley County Water District, men who were anxious for a supplementary water supply for some 100,000 acres then under cultivation but dependent primarily on the limited supply from wells. The delegates offered to join in the fight for the All-American Canal so long as they could be assured of water for their lands. After considerable discussion, board members endorsed a resolution urging "congressional action to finance and construct such canal and storage works as may be required for the irrigation of the whole of said arid lands."⁶⁸

Despite the resolution, many valley leaders still advised against asking Congress to provide for both the canal and storage in the same bill. Once the canal was completed and Mexico's "stranglehold" broken, they believed that it would be a simple matter to obtain enough water for their lands. Support for this view came from Phil Swing, talented chief counsel of the irrigation district and prominent valley spokesman virtually from the day of his arrival in 1907. He had earlier campaigned for creation of the Imperial Irrigation District and had also served as Imperial County district attorney. In 1911, following his appointment as chief counsel for the district, he supervised the purchase of the water delivery system from the Southern Pacific and made a study of water problems which convinced him of the need for federal help. As early as 1918 he had gone to Washington to push for "one great irrigation project" for the entire basin, but his experiences persuaded him that the valley would be better served by concentrating its efforts on an All-American Canal.⁶⁹

Swing's legal background and his knowledge of the river made him the logical choice to direct the district's lobbying activities in Washington. Less than two months after the March meeting with land speculators, he was in the capital, handing out valley-produced cantaloupes and conferring with William Kettner,

representative from California's 11th District which included the Imperial Valley. With him were a half-dozen other valley lobbyists, including Mark Rose who had joined forces with the irrigation district after his canal scheme had been taken over by others. Rose wanted an All-American Canal, and he did not care who promoted it so long as it was built. Moreover, both he and Swing opposed complicating their task with a bill calling for storage as well as a canal. Even so, a majority of the district's board of directors instructed them to work not only for the canal, but also for the "complete solution" of the valley's "international relations and flood control" problems.⁷⁰

In Washington the district's lobbyists began quarrelling among themselves over their instructions and how to proceed. Swing and Rose precipitated the controversy by insisting on a bill directing the Interior Department to build only a canal "of sufficient size and capacity" to supply the lands of the Imperial Irrigation District "as well as all other lands within the United States susceptible of practical reclamation." The reference to "other lands" represented an appeal to the land speculators and farmers who had attended the irrigation district's March meeting.

The other valley lobbyists cautioned delay, urging "a more mature investigation and canvassing of the attitude of the different Departments before taking action." Some also insisted that the bill be broadened to include flood control and a provision permitting the "Secretary of the Interior in his discretion to be able to deal with Mexico." Swing and Rose reluctantly agreed to a brief canvass, but steadfastly refused to go any further. Angered because they felt the district's instructions were being violated, two members of the lobbying committee resigned.⁷¹

Even before the resignations, Swing had gone to Kettner with the bill he favored. Kettner listened attentively. He sympathized with the request for the canal, but he also recognized the need for storage and had already introduced bills calling for flood control on the Colorado, as had California's Charles H. Randall and Arizona's Carl Hayden.⁷²

Also helping to focus the attention of Kettner and others on the need for storage had been the actions of the League of the Southwest, an organization claiming to represent scores of businesses and local governments dedicated to "the promotion of the civic, commercial and social interest" of the southwestern quarter of the country. Though claiming to be a "non-political alliance," the League counted eight state governors among its vice-presidents and none of them felt inhibited about pressing the federal government to support "any . . . project or need" that they deemed "legitimate." At their first annual convention in November, 1917, nearly two years before Swing went to Kettner with his bill, League members had announced that the harnessing of the Colorado was among the most important "legitimate" projects deserving federal aid. Convinced that the future of the Southwest was inextricably tied to the river's development and alarmed by the rampaging stream's threat to property and lives, they spelled out their wishes even more precisely at another meeting two months later: "We . . . recommend," declared the assembled delegates, "that the national government have a study made of the entire Colorado river drainage basin with a view to selecting necessary and feasible sites and constructing and operating the works

required to conserve and utilize the flow of [the] river and to reduce the annual flood menace."⁷³

Strong additional support for reclamation along the Colorado had also come a year later, in January, 1919, from a group meeting in Salt Lake City which billed itself as the "Soldier's, Sailor's and Marine's Land Settlement Conference." Attended by leaders from the seven Colorado basin states, the conference had strongly endorsed an Interior Department proposal to reclaim several million acres "for homes for returned soldiers and sailors" of the First World War as well as for any others desiring "to avail themselves of the opportunity." Hailing the proposal as a way "to recognize and reward . . . the sacrifice made by men who offered their lives for the preservation of freedom," those at the Salt Lake City meeting also praised the recommendation because it would make jobs available—jobs that would help "defeat the flare-up of Bolshevism evident among men to whom necessity knows no law."⁷⁴

Such pressure had helped generate the flood control bills of Kettner, Randall, and Hayden, but none of those measures had support necessary for enactment. Congress was not aware of the seriousness and larger implications of the basin's problems, and this deficiency bothered Kettner. Still, his commitment to storage was not so strong that it made him unsympathetic to the bill brought to him by Swing. He recognized the merit of dealing separately with storage and the canal. And, on June 17, 1919, he introduced a bill calling only for the construction of the much-sought aqueduct.⁷⁵

Because of the Imperial Valley's lobbying and great interest in the Kettner bill, extensive hearings were held by the House Committee on Irrigation of Arid Lands. Almost immediately the measure came under attack, and among the sharpest critics was Arthur Powell Davis, director of the Reclamation Service. Davis saw the bill as an opportunity to lobby for storage on the lower river. Though he agreed that the canal would help limit Mexican agricultural expansion, enable valley settlers to compel those below the border to share in flood-control expense, and lessen the threat posed by revolutionary conditions to the water supply, he insisted that the aqueduct could offer no real solution to the valley's problems unless it were accompanied by storage. "If 300,000 or 400,000 acres of additional land is put under irrigation without storage," he argued, "it will threaten the water supply of the whole valley." Moreover, construction of the canal alone would not eliminate the flood threat from Mexico. But "if we had complete storage," he emphasized, "the flood menace would be removed."⁷⁶ Davis's views were shared by Arizona's Carl Hayden, who not only worried about the flood threat to lands along the lower river, especially to his own state's valuable Yuma project, but who also believed that more water would have to be made available for the basin's parched lands. "There must be reservoir construction," he emphasized, and the Imperial Valley "should pay some equitable part of the cost of the water storage."⁷⁷

Such a payment was exactly what Rose and Swing wanted to avoid. The valley "will participate in the cost of the canal," stated Rose, "but not in storage, because there is ample water" for Imperial lands. "We believe we can irrigate every acre of the land without any reservoirs," he declared. Rose admitted that protective works below the border would have to be maintained, but he insisted

that the canal would enable the United States to force landholders in Mexico to share levee costs. Even if the river broke loose, it would first "flood the Mexican land," he reminded Congress, "and that land does not belong to Mexicans." "It belongs to some good, shrewd Americans, and they are not going down there and cut that levee or allow it to be breached by flood waters."⁷⁸

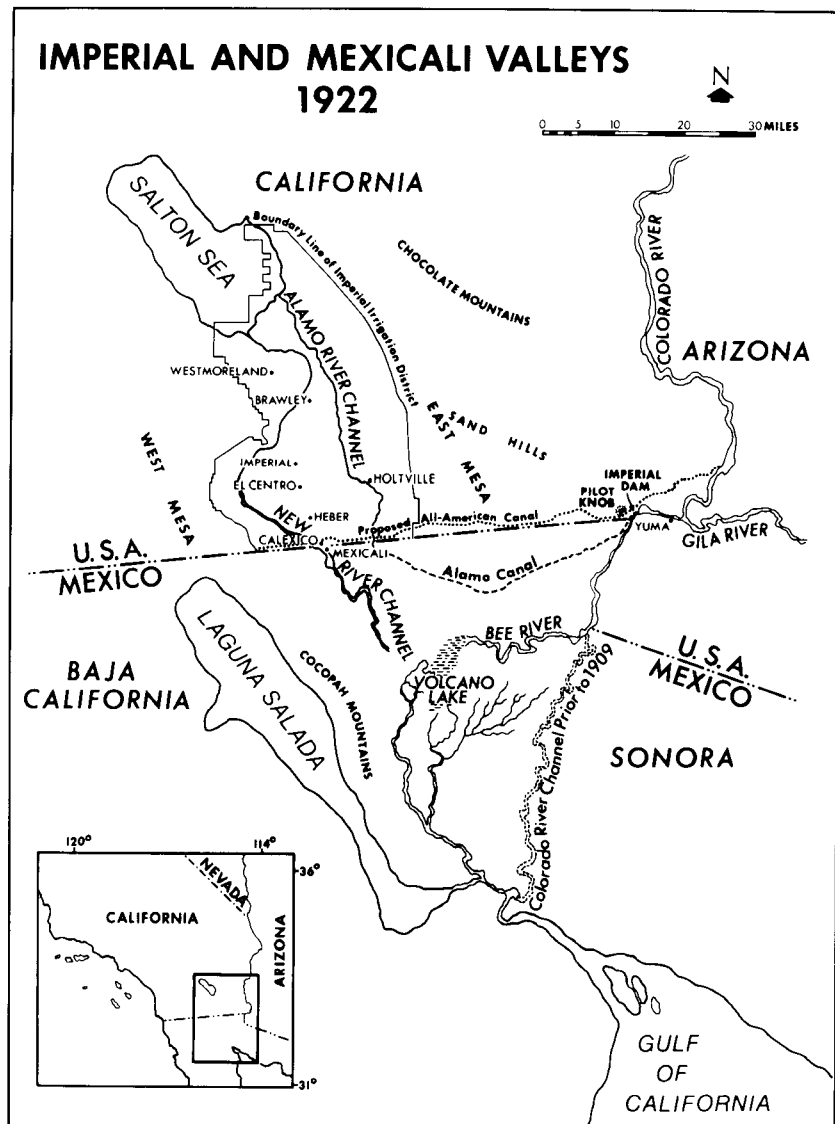
Swing also argued against storage, especially on the upper river, claiming that it would menace the valley's water rights. "If we built storage, we would have no way of policing the stream and preventing upstream diverters from taking all they need," he explained. Nor, he added, would storage aid the valley in its attempt to escape interference from Mexico. In fact, if storage preceded the construction of the canal, Mexico's encroachment on the valley's water supply would be furthered. The 1904 concession, explained Swing, makes no distinction "between the natural flow and stored water." Consequently, reservoirs, by controlling the river, would make it possible for more water to be diverted into the Alamo canal and from there onto Mexican lands. But the All-American Canal was mandatory, argued Swing, for without it Mexico would eventually take all the water. Swing had no evidence to support such a claim, but this proved no deterrent. "These Mexican . . . lands menace us like a great sponge," he declared, "which threatens to absorb more and more water, until such time as they will take all of the natural flow of the river."⁷⁹

Rose and Swing had no trouble convincing most of their listeners that a canal was necessary, but few accepted their objections to storage. The two men were unable to counter the claims of Davis and other Interior Department experts who contended that reservoirs were necessary if valley lands were to be assured a year-round water supply. In addition, their fears about the valley's water rights were challenged by Davis's contention that the upper and lower portions of the basin were not in competition. "My position," stated Davis, is that "there is certainly no antagonism between irrigation in the upper valleys and irrigation in the lower valleys, provided . . . that the water is not taken out of the basin [by the upper states] and kept out; and provided, also, that storage reservoirs are not . . . used for storage during the low-water months." The states "should store their water during the high-water months."⁸⁰

Davis's position received strong support in July, 1919—less than two weeks after hearings had begun on the Kettner bill—when the three engineers hired to investigate the feasibility of the All-American Canal issued their long-awaited final report. They strongly endorsed the building of the canal, but they also urged "the early construction of storage reservoirs . . . as part of a comprehensive plan for the betterment of the water-supply conditions throughout the entire basin."⁸¹ Davis was delighted, while Swing accepted the fact that the canal had become inseparably linked with the question of storage and bowed to the Interior Department's wishes. He agreed to a storage amendment permitting the secretary of the interior to assess costs against the lands to be benefitted. In fact, only a few days later, in testimony before the House Committee on Flood Control, he reaffirmed his support for storage and even parroted Davis's claim that there would be enough water for everyone if the river were controlled. Swing's conversion seemed complete, the more so because it pleased those irrigation district leaders who felt that he should have supported storage all along.⁸²



Phil Swing (left), talented defense counsel for the irrigation district, became the district's chief lobbyist in Washington after abortive experiences with privately financed ventures convinced supporters that a publicly owned project was necessary. In the 1920's Swing skillfully mustered congressional support for the idea of the comprehensive Boulder Canyon project—including present-day Hoover Dam and the All-American Canal—and the massive public expenditures it entailed. The map of the project area in 1922 (below) shows the lands affected by the proposed canal, the boundaries of the Imperial Irrigation District, the old and new Colorado River channels, and the Salton Sea.



Swing's decision helped align more closely the goals of the Imperial Valley with those of Davis and the Interior Department, but it did not guarantee congressional approval of the canal or a moratorium on attacks on the bill. Other critics proved as difficult to silence as Davis and Hayden. From Secretary of State Robert Lansing came strong objections to the construction of an All-American Canal until the United States and Mexico had negotiated a treaty dividing the river's waters. Though he believed that the United States was not obligated to surrender water, he felt that "considerations of equity and comity" entitled Mexico to some of the river's flow, and he cited as precedent the 1906 treaty on the Rio Grande which had awarded Mexico 60,000 acre-feet. "I may call to the attention of your committee," he wrote Moses Kinkaid, chairman of the House Committee on Irrigation of Arid Lands, "the apparent inconsistency which would result should the Government of the United States, having acted to prevent the monopolization by private parties within the United States of the waters of the Rio Grande, provide in an analogous case for monopolization by the authorities of the United States of the waters of the Colorado River."⁸³

Even more outspoken in his criticism of the bill was Secretary of the Treasury Carter Glass who considered the measure's financial features "wholly untenable." The bill directed the Treasury Department to accept the Imperial Irrigation District's bonds, and, then, to avoid the need for a congressional appropriation, it required the department to obtain funds by issuing certificates of indebtedness. In effect, it compelled the government to underwrite the project by guaranteeing the district's bonds and by itself going into debt—a move which Glass refused to countenance. The government should be paying off all national obligations, not adding to them, argued Glass, who reflected the economic notions of many of his contemporaries. "If the project is meritorious," he advised, then it should be handled "in the simple old-fashioned way" with "a direct appropriation of a specific amount for the purpose."⁸⁴

Advocates of the measure insisted that the financial arrangement was sound and that Congress lacked the funds for a direct appropriation. They also argued that construction of the canal should not await a treaty. Revolutionary conditions in Mexico would preclude successful diplomatic talks and, besides, negotiations should follow, not precede, the canal's completion so that the United States could bargain from a position of strength. In this instance, Arthur Powell Davis threw his support to those from the Imperial Valley who argued against giving priority to a treaty. "If we . . . hold . . . that we must not take any action of this kind until we get an agreement with Mexico, it simply announces, 'We are in your hands; do with us as you please.'"⁸⁵

Especially upset by the State Department's recommendation was the Coachella Valley's Thomas Yager, delegate from the water-starved area immediately to the northwest of the Imperial Valley. "The waters of the Colorado River are inherently ours," announced Yager as he posed as spokesman for all Americans, "and . . . I can not understand why our State Department suggests that comity requires so much from us." "Wherein . . . does equity and comity compel American citizens to concede rights to Mexico depriving American farmers and American lands of the water of the Colorado River?" he asked. Mark Rose was equally bitter "It strikes me as queer that the Secretary of State of the

United States should be pleading for the interest of some foreign country rather than the interests of . . . the United States.”⁸⁶

These protests caused Congress to be uneasy about the bill, especially about certain provisions which gave advantages to land speculators like Rose who would profit because water would be made available at government expense for the public lands on the East Side Mesa and elsewhere. Even some Imperial Valley leaders, including the irrigation district’s board of directors, found this troubling, the more so as they noted the growing opposition to the Kettner bill. Most alarmed were veteran’s groups which joined with Elwood Mead, internationally-known irrigation expert and chairman of the California Land Settlement Board, in demanding changes in the bill. Government lands made irrigable by construction of the All-American Canal, argued Mead and his supporters, should be offered first to veterans and society’s less fortunate members.⁸⁷

Mead and his allies soon received the open support of the Imperial Irrigation District which realized the voter appeal of a provision aiding veterans. In September the district urged Congress to amend the bill and give ex-servicemen a prior right to file on the new lands to be watered by the canal. This move bitterly disappointed Rose, but he refused to abandon the project. He owned other lands which he believed would benefit from the canal, and he continued in the fight to remove the valley’s water supply from Mexico.⁸⁸

Though Congress was anxious to aid veterans and was sensitive to the Imperial Valley’s problems, it was impressed by the reservations of Treasury Secretary Glass and Secretary of State Lansing. It refused to bring the Kettner bill to a vote. Undaunted, Kettner responded to Imperial Valley pressure and introduced another measure on January 7, 1920. This bill provided for the canal, for preferential treatment of veterans, and for small homesteads. Developers of new land could receive water for no “more than 160 acres . . . in any one ownership.” In addition, the bill responded to storage demands by directing the secretary of the interior “to construct such storage reservoir and other works as in his judgment are necessary to provide an adequate supply of water for the successful irrigation of such lands.” It also proposed a financial arrangement less offensive to the Treasury Department and a provision calculated to soften the opposition of Secretary of State Lansing.⁸⁹ To placate Treasury Secretary Glass, it provided for a direct congressional appropriation—to be repaid by those benefiting from the project. To satisfy Lansing, it authorized the secretary of the interior to supply Mexico with water unneeded in the United States, though with the understanding that such a gesture would establish no precedent. Lansing still favored a treaty, but he believed that the new provision might stimulate negotiations and so endorsed this second bill.⁹⁰

In the meantime, Congress was impressed with the need to obtain detailed scientific information, especially about storage sites, and it was also uneasy because of Rose’s attempt to obtain compensation for the surveys he had made under his earlier contract with the Interior Department to build a canal. Rose wanted reimbursement, especially now that veterans were to be given preferential rights to the new lands, but he opposed the storage studies because he believed they were unnecessary and would delay construction of the canal. “I don’t like the idea of putting into the hands of the allies of the Mexican interests . . . an opportunity to say ‘let’s wait.’”⁹¹

But Congress elected to wait, especially after the Imperial Irrigation District

repudiated Rose's position and after Arthur Powell Davis strongly underscored the need for further studies. "The most feasible point for storage . . . is in the Boulder Canyon," explained Davis, but investigations were incomplete. "We have made surveys there for a high dam," he noted, "and we were pursuing them until driven out partly by exhaustion of funds and partly by high water, and that survey needs completing."⁹² Congress agreed. In May, 1920, it approved the Kinkaid Act directing the secretary of the interior to complete the survey.⁹³ With this step, the movement which eventually led to the Boulder Canyon project took a giant step forward.

By 1920 a concerted drive to control the Colorado had definitely emerged. Kettner's bills dramatically focused attention on the demands for storage and the All-American Canal, both of which eventually became integral parts of the Boulder Canyon Project legislation. The battle was far from over, of course, and other developments involving hydroelectric power and the Colorado River Compact would help shape the project legislation; nevertheless, a crusade had been launched which could not be stopped. Only a little over a year later, in February, 1922, the Interior Department completed the survey authorized by the Kinkaid Act and issued the famous Fall-Davis report (named for Albert Fall, the new secretary of the interior in the Warren Harding administration, and for Arthur Powell Davis, who was primarily responsible for the study). This report strongly recommended the canal as well as a high dam "at or near Boulder Canyon." It also urged the installation of a power plant at the dam site so that electricity could be sold in order to pay for the storage works.⁹⁴ Two months later, on April 25, 1922, Phil Swing, now a member of Congress, joined with California's Senator Hiram Johnson and introduced a bill to carry out the report's aims.⁹⁵ This first Swing-Johnson bill was followed by three others and considerable legislative fighting, but success was finally achieved in 1928.

But long before 1928—certainly as early as 1919 and 1920 when Kettner introduced his bills—the movement for what became known as the Boulder Canyon Project was well under way. The origins of the undertaking cannot be stated simply or with mathematical precision. They go back at least as far as John Wesley Powell's vision of a more rational approach to the problems of the arid West. Moreover, they are certainly to be found in the determined efforts of Arthur Powell Davis who, as early as 1902, devised a plan for the comprehensive development of the Colorado. Obviously of great importance were the complicated events in the Imperial Valley which provided Davis and other advocates of storage with the powerful support they needed. Not to be forgotten were the pressures of veteran's groups and such organizations as the League of the Southwest. Then, too, there was the role played by the country's growing demand for hydroelectric power—a demand evident before the turn of the century in the activities of Arizona's Anson Smith and a demand on which Congress eventually capitalized in order to pay for most of the project.⁹⁶ In addition, there was the pressure from other Arizonans, especially Carl Hayden. Though Hayden later vigorously opposed many aspects of the Boulder Canyon Project, he prodded it along during these early years with his own flood control bills and his sharp questioning during the hearings on the Kettner bills. In time, of course, the campaign attracted support from elsewhere, especially from South-

ern California's increasingly water- and power-conscious coastal cities.⁹⁷ But it also attracted opponents, and there is no gainsaying the major role played later by Phil Swing and others in fighting for congressional approval during the 1920's. As Beverley Moeller has demonstrated, Swing contributed mightily to the winning of the subsequent legislative battles for the Boulder Canyon Project, though his attitude toward storage during the years before 1920 suggests that he should not be considered the "father" of Boulder, or Hoover, Dam, as some have suggested. He, in fact, considered Arthur Powell Davis the "real father of Boulder Dam."⁹⁸ His assessment seems to be a sound one.

In the final analysis, however, the origins of the Boulder Canyon Project should not be sought in one person or in one place. Rather, they are to be found in the actions of a number of people, working at different times and in different parts of the country and each contributing to the movement which surfaced at the end of the second decade of the twentieth century to eventually produce one of the world's engineering and reclamation wonders.

NOTES

1. "The Hoover Dam Documents," *H.Doc.* 717, 80 Cong., 2 sess. (1948), 13-15, 38-43.
2. Paul Kleinsorge, *The Boulder Canyon Project* (Stanford, 1941); Beverley B. Moeller, *Phil Swing and Boulder Dam* (Berkeley and Los Angeles, 1971). Moeller provides an excellent discussion of Swing's activities as a congressman in the 1920's, but she does not discuss the changing attitudes of Swing and others towards storage before 1920. These attitudes can be discerned most clearly in the papers of the Imperial Irrigation District which heretofore have not been used by scholars. Undocumented accounts include Albert N. Williams, *The Water and the Power* (New York, 1951); Frank Waters, *The Colorado* (New York, 1946); David O. Woodbury, *The Colorado Conquest* (New York, 1941); and Remi A. Nadeau, *The Water Seekers* (New York, 1950). Both Woodbury and Nadeau made use of interviews, and Nadeau provides readers with a helpful bibliographical note. Though my own book, *Dividing the Waters: A Century of Controversy between the United States and Mexico* (Berkeley and Los Angeles, 1966), draws on materials in the National Archives and in other depositories, the focus of that study is such that it naturally does not discuss some important events which culminated in the Boulder Canyon Project and deals tangentially with others. Moreover, when that study was written, some important materials, like those in the archives of the Imperial Irrigation District, the Secretaría de Relaciones Exteriores, and the Sherman Foundation, were unavailable to scholars.
3. Williams, *The Water and the Power*, 85; Nadeau, *The Water Seekers*, 240, cf. 173.
4. Woodbury, *The Colorado Conquest*, 304-305; Charles A. Bissell and Frank E. Weymouth, "Arthur Powell Davis," *Transactions of the American Society of Civil Engineers*. C (1935), 1585. See also Waters, *The Colorado*, 327-329, *passim*; and Kleinsorge, *The Boulder Canyon Project*, *passim*.
5. "Report on the Lands of the Arid Region of the United States," by J. W. Powell, *H. Ex. Doc.* 73, 45 Cong., 2 sess. (1878), 23, 85, 149-163; "Geographic and Geological Surveys West of the Mississippi," *H. Rep.* 612, 43 Cong., 1 sess. (1874), 10, 53; "Reservoirs in Arid Regions of the United States," *S.Ex.Doc.* 163, 50 Cong., 1 sess. (1888), 2-6; "Sundry Civil Appropriation Bill," *S. Rept.* 2613, 50 Cong., 2 sess. (1889), 109-110; Everett W. Sterling, "The Powell Irrigation Survey, 1888-1893," in *Mississippi Valley Historical Review*, XXVII (1940), 421-434. Several writers claim that Powell selected a reservoir site in the Boulder Canyon area, but they cite no supporting evidence, and I have found none. See, for example, William Culp Darrah, *Powell of the Colorado* (Princeton, 1951), 307, 399; John Upton Terrell, *The Man Who Rediscovered America: A Biography of John Wesley Powell* (New York, 1969), 254.

Leonard Wibberly, *Wes Powell: Conqueror of the Grand Canyon* (New York, 1958), 206-207, seems to agree with Darrah and Terrell.

6. Richard J. Hinton, *The Hand-Book to Arizona* (San Francisco, 1878), 66.

7. "Preliminary Examination of Reservoir Sites in Wyoming and Colorado," *H.Doc.* 141, 55 Cong., 2 sess. (1897), 58.

8. John T. Gano, "The Origin of a National Reclamation Policy," *Mississippi Valley Historical Review*, XVIII (1931), 34-52.

9. See the various biographical sketches prepared by Davis and others in the Arthur Powell Davis Papers, Western History Research Center, University of Wyoming. See also Bissell and Weymouth, "Arthur Powell Davis," *Transactions of the American Society of Civil Engineers*, 1582; "Arthur Powell Davis," *Dictionary of American Biography* (New York, 1944), XI, supplement one, 224-225; *Who's Who in America, 1934-35* (Chicago, 1934), 675; *New York Herald Tribune*, Aug. 8, 1933; U.S. Dept. of the Interior, Memorandum for the Press, July 10, 1933, Davis Papers; House Committee on Irrigation and Reclamation, "Hearings on Protection and Development of Lower Colorado River Basin, H.R. 2903," 68 Cong., 1 sess. (1924), 1375-1377.

10. In 1925 Davis stated that his first attempt "to outline some project for irrigation from the Colorado River" occurred "some 33 years ago"—apparently in 1892. Senate Committee on Irrigation and Reclamation, "Hearings on Colorado River Basin, S. Res. 320," 69 Cong., 1 sess. (1925), 173; cf. House Committee on Irrigation and Reclamation, "Hearings on Protection and Development of Lower Colorado River Basin, H.R. 2903," p. 1378.

11. A. P. Davis to Gifford Pinchot, May 14, 1912, Davis Papers; Davis, *The Single Tax from the Farmer's Standpoint* (Minneapolis, 1897); *Pacific Builder and Engineer*, July 11, 1914. For an incisive and provocative discussion of Davis, see Gene Gressley, "Arthur Powell Davis, Reclamation, and the West," in *Agricultural History*, XLII (1968), 241-257.

12. League of the Southwest, Minutes (Denver, Colo., Aug. 25-27, 1920), 34, copy in Imperial Irrigation District Papers, box 477, Imperial, Calif.

13. Arthur Powell Davis to J. B. Lippincott, Oct. 10, 1902, Bureau of Reclamation Papers, file 187, Colorado River Project, 1902-1919, Record Group 115, National Archives (hereafter cited as Bureau of Reclamation Papers, CRP).

14. U.S. Geological Survey, *First Annual Report of the Reclamation Service, 1902* (Washington, D.C., 1903), 106, 109. Davis eventually selected Black Canyon, about twenty miles below Boulder Canyon, as the site of Hoover Dam.

15. Kingman *Mohave County Miner*, Nov. 3, 1894.

16. *Ibid.*, Dec. 1, 1894, Jan. 12, 19, and Feb. 2, 1895; J. Hubert Smith to Norris Hundley, Nov. 24, 1971. I am indebted to Bert Fireman, director of the Arizona Historical Foundation at Arizona State University, for first making me aware of Anson Smith's activities.

17. A. P. Davis to J. B. Lippincott, Oct. 10, 1902, Bureau of Reclamation Papers, CRP; J. B. Lippincott, "Report on the Necessity for the Regulation of the Colorado River . . ." (July 23, 1904), 9, *ibid.*; A. P. Davis, George Y. Winsor, and W. H. Sanders to F. H. Newell, Sept. 26, 1904, *ibid.*

18. F. H. Newell to A. P. Davis, Nov. 10, 1903, *ibid.*

19. *Cong. Rec.*, 59 Cong., 2 sess. (1907), 1029; A. P. Davis and others to chief engineer, Jan. 7, 1907, Bureau of Reclamation Papers, CRP; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," 66 Cong., 1 sess. (1919), 99; U.S. Dept. of Interior, *Fourteenth Annual Report of the Reclamation Service, 1914-1915* (Washington, D.C., 1915), 323; "Colorado River Development," *S. Doc.* 186, 70 Cong., 2 sess. (1929), 40-41.

20. A. P. Davis to supervising engineer, Nov. 25, 1913, Bureau of Reclamation Papers, CRP.

21. "Irrigation in Imperial Valley, California," *S. Doc.* 246, 60 Cong., 1 sess. (1908), 5; Fred B. Kniffen, *The Natural Landscape of the Colorado Delta* (Berkeley, 1932), 150; H. T. Cory, *The Imperial Valley and the Salton Sink* (San Francisco, 1915), 15, 49, D T

MacDougal *et al.*, *The Salton Sea* (Washington, D.C., 1914), 17; U.S. Geological Survey, "Colorado River and Its Utilization," *Water-Supply Paper* 395, by E. C. LaRue (Washington, D.C., 1916), 13.

22. Munson J. Dowd, *Historic Salton Sea* (4th printing, n.p., April, 1965), 6-9; Godfrey G. Sykes, *The Colorado Delta* (Washington, D.C., 1937), 128-154, *passim*; Kniffen, *Natural Landscape*, 165-166; U.S. Dept. of Agriculture, "Silt in the Colorado River and Its Relation to Irrigation," *Technical Bulletin* No. 67, by Samuel Fortier and Harry F. Blaney (Washington, D.C., 1928), 61-62.

23. Otis B. Tout, *The First Thirty Years, 1901-1931* (San Diego, [1931]), 25-26; "Reports of the Explorations and Surveys, to Ascertain the Most Practicable and Economical Route for a Railroad from the Mississippi River to the Pacific Ocean," *S. Ex. Doc.* 78, 33 Cong., 2 sess. (1856); Barbara Ann Metcalf, "Oliver M. Wozencraft in California, 1849-1887" (M.A. thesis, University of Southern California, 1963), 81-84.

24. *Calif. Stats.*, Tenth Session of Legislature (1859), 238-240, 392-393; *Cong. Globe*, 37 Cong., 2 sess. (1862), 2379-2381; Tout, *First Thirty Years*, 26; Metcalf, "Oliver M. Wozencraft," 87-96.

25. Charles R. Rockwood, *Born of the Desert* (Calexico, Calif., 1930), 2-12; W. T. Heffernan, *Personal Recollections* (Calexico, Calif., 1930), 3-10.

26. Rockwood, *Born of the Desert*, 17-21; J. A. Alexander, *The Life of George Chaffey* (Melbourne, 1928), 283-294; M. J. Dowd, "History of Imperial Irrigation District and the Development of Imperial Valley" (El Centro, typescript, 1956), 18 (copy in library of the Imperial Irrigation District, El Centro); Tout, *First Thirty Years*, 29-40, 45-50, 162, *passim*; Edgar F. Howe and Wilbur J. Hall, *The Story of the First Decade* (Imperial, 1910), 39-65, *passim*.

27. Tout, *First Thirty Years*, 48.

28. "Irrigation in Imperial Valley," 14-16; Tout, *First Thirty Years*, 34-35, 48, 190; "Report of the American Section of the International Water Commission, United States and Mexico," *H. Doc.* 359, 71 Cong., 2 sess. (1930), 103; Imperial County Board of Supervisors, *Imperial Valley, 1901-1915* (Los Angeles, 1915), 2-5; Imperial Land Company, *Imperial Valley Catechism* (12th ed. rev., Los Angeles, March, 1904), 1-5, *passim*.

29. Copies of the contracts which Rockwood and his associates negotiated with Andrade can be found in the Colorado River Land Company Papers, M. H. Sherman Foundation, Corona del Mar, California. See, especially, the contract of June 29, 1898. I thank William O. Hendricks, director of the Sherman Foundation, for bringing these contracts to my attention. For an excellent discussion of the attempts by Andrade and others to develop lands along the lower Colorado in Mexico, see William O. Hendricks, "Guillermo Andrade and Land Development on the Mexican Colorado River Delta, 1874-1905" (Ph.D. dissertation, University of Southern California, 1967).

30. C. R. Rockwood, "Value of Stock of Sociedad Irrigacion y Terrenos de la Baja California," n.d., C. R. Rockwood file, Water Collection, Honnold Library, Claremont Colleges.

31. Rockwood, *Born of the Desert*, 13; Heffernan, *Personal Recollections*, 8; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," pp. 105-106, 213-215; Compañía Mexicana de Terrenos del Río Colorado, S.A., *Colonización del Valle de Mexicali, B.C.* (México, D.F., 1958), 78.

32. M. de Azpiroz to John Hay, Nov. 27, 1901, in "Report of the American Section," 254.

33. David D. Caldwell to Attorney General, July 15, 1902, State Department Papers, file 711.1216 M/533, National Archives; Marsden C. Burch to Attorney General, Sept. 28, 1903, *ibid.*; U. S. Attorneys General, *Official Opinions*, XXI, 274-283.

34. Compañía Mexicana, *Colonización del Valle de Mexicali*, 79.

35. A copy of the 1899 water filing can be found in the Colorado River Land Company Papers. Rockwood and his associates filed for water as early as 1895. Dowd, "History of Imperial Irrigation District," 26-27; California Dept. of Public Works, Division of Engineering and Irrigation, "Irrigation Districts in California," *Bulletin* No. 21, by Frank Adams (Sacramento, 1929), 339; Heffernan, *Personal Recollections*, 5.

36. Rockwood, *Born of the Desert*, 27-28; J. B. Lippincott to F. H. Newell, March 24, 1903, State Department Papers, file 711.1216 M/533; David D. Caldwell to Attorney General, July 15, 1902, *ibid.*; Cory, *Imperial Valley and Salton Sink*, 1271-1274; Dowd, "History of the Imperial Irrigation District," 50-53; L. M. Holt, *The Unfriendly Attitude of the United States Government Towards the Imperial Valley* (Imperial, Calif., 1907), 36-41; Howe and Hall, *Story of the First Decade*, 127-133; Tout, *First Thirty Years*, 97-98; J. B. Lippincott, "The Lower Colorado River" (1904), *passim*, in the Joseph B. Lippincott Papers, Water Resources Center Archives, University of California, Berkeley.

37. *Cong. Rec.*, 58 Cong., 2 sess. (1904), 4963-4978; "Irrigation in Imperial Valley, California," 12-13; Tout, *First Thirty Years*, 97-99; Cory, *Imperial Valley and Salton Sink*, 1274-1275; Rockwood, *Born of the Desert*, 27-28; A. H. Heber, *Address . . . to the Settlers of Imperial Valley* (Los Angeles, [1904]), 7-39.

38. Cory, *Imperial Valley and Salton Sink*, 1275.

39. México, Secretaría de Relaciones Exteriores, Oficina de Límites y Aguas Internacionales, *El Tratado de Aguas Internacionales* (México, D.F., 1947), 23. A copy of the 1904 contract is in box 497, Imperial Irrigation District Papers (hereafter IID Papers), Imperial, California. A copy can also be found in House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," pp. 209-213. See also Secretario de Fomento to Secretario de Relaciones, Nov. 16, 1905, Papers of the Comisión Internacional de Límites entre México y los Estados Unidos, file 842 (iv), Archives of the Secretaría de Relaciones Exteriores, México, D.F.; Manuel Calero to Secretario de Relaciones Exteriores, Aug. 19, 1912, *ibid.*, 803 (i); memo from F. P. Puga, July 26, 1912, *ibid.*, 843 (i).

40. A. H. Heber to H. G. Otis, May 19, 1905, Colorado River Land Company Papers, portfolio 9; "Use of Waters of the Lower Colorado River for Irrigation," *H. Doc.* 204, 58 Cong., 3 sess. (1905), 1-2.

41. Cory, *Imperial Valley and Salton Sink*, 1276-1291; Tout, *First Thirty Years*, 98-105.

42. Tout, *First Thirty Years*, 101, 106-110.

43. C. N. Perry to H. T. Cory, Jan. 31, 1912, Perry Papers, Water Collection, Honnold Library. See also Imperial Irrigation District Board of Directors, Minutes (Oct. 24, 1913), I, 135, *passim* (these minutes are in the offices of the Imperial Irrigation District, El Centro); *El Centro Progress*, Feb. 17, 1912; Tout, *First Thirty Years*, 110-111, 137.

44. Imperial Irrigation District Board of Directors, Minutes (Jan. 4, 1916), II, 110-118, (Feb. 10, 1916), II, 127; M. J. Dowd, *The Colorado River Flood-Protection Works of Imperial Irrigation District: History and Cost* (N.p., July 1951), 25; Tout, *First Thirty Years*, 114, 121; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," p. 117. The new Mexican company had been organized in 1910 by the Southern Pacific. The Mexican government permitted it to hold the concession of the original company. Dowd, "History of the Imperial Irrigation District," 78-79, 93-94.

45. Tout, *First Thirty Years*, 192-193, 196; James J. Hudson, "California National Guard and the Mexican Border, 1914-16," *California Historical Society Quarterly*, XXXIV (1955), 157-158.

46. House Committee on Irrigation and Reclamation, "Hearings on Protection and Development of Lower Colorado River Basin, H. R. 2903," pp. 270, *passim*.

47. Dowd, *Colorado River Flood-Protection Works*, 6-24; "Lower Colorado River," *H. Doc.* 972, 61 Cong., 2 sess. (1910); "Work of the Interior Department," *H. Doc.* 504, 62 Cong., 2 sess. (1912), 129-186; "Protection of Lands and Property in the Imperial Valley, Cal.," *H. Doc.* 1476, 63 Cong., 3 sess. (1915); "Plan for Protection of Imperial Valley, California," *H. Doc.* 586, 64 Cong., 1 sess. (1916); "Irrigation in Imperial Valley, California: Its Problems and Possibilities," *S. Doc.* 246, 60 Cong., 1 sess. (1908); "Flood Waters of the Colorado River," *S. Doc.* 846, 62 Cong., 2 sess. (1912); "Colorado River," *S. Doc.* 867, 62 Cong., 2 sess. (1912); "Imperial Valley, California," *S. Doc.* 232, 64 Cong., 1 sess. (1916); "The Colorado River in Its Relation to the Imperial Valley, California," *S. Doc.* 103, 65 Cong., 1 sess. (1917), 28-31.

48. Dowd, *Colorado River Flood-Protection Works*, 61-62; see also All-American Canal Board, *Report of the All-American Canal Board* (Washington, D.C., 1920), 14-15.

49. House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," pp. 129, 147-148; House Committee on Flood Control, "Hearings on Colorado River Survey, Imperial Valley Project, H.R. 3475," 66 Cong., 1 sess. (1919), 22; Ray S. Carberry to President, Imperial Water Co., Jan. 25, 1915, Imperial Water Company No. 1 file, Water Collection, Honnold Library.

50. "Report of the American Section," 103; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," pp. 63, 108; Tout, *First Thirty Years*, 190.

51. Arthur M. Nelson to W. R. Snow, Dec. 28, [1919], box 491, IID Papers; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," pp. 116-118, *passim*; House Committee on Flood Control, "Hearings on Colorado River in Arizona," 65 Cong., 3 sess. (1919), 12; House Committee on Flood Control, "Hearings on Colorado River Survey, Imperial Valley Project, H.R. 3475," pp. 16-17; Senate Committee on Irrigation and Reclamation, "Hearings on Colorado River Basin, S. 727," 68 Cong., 2 sess. (1925), 172-175. At times even U. S. immigration officials interfered with the valley's attempt to bring laborers into Mexico to work on the levees. LeRoy Hall to Robert Lansing, Oct. 16, 1918, box 488, IID Papers.

52. House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, California, H.R. 6044," p. 118.

53. Hendricks, "Guillermo Andrade," 200-208; Aurelio de Vivanco, *Baja California al Día* ([Los Angeles], 1924), 387, 389, 410; "Report of the American Section," 161-162; U.S. Dept. of Commerce, Bureau of Foreign and Domestic Commerce, "Mexican West Coast and Lower California: A Commercial and Industrial Survey," *Special Agents Series No. 220*, by P. L. Bell and H. Bentley MacKenzie (Washington, D.C., 1923), 306-309; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," p. 108; Pablo L. Martinez, *A History of Lower California* (México, D.F., 1960), 530-531.

54. House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," pp. 164, 173, *passim*; House Committee on Flood Control, "Hearings on Colorado River Survey, Imperial Valley Project, H.R. 3475," pp. 16-17. Cf. Chandler's testimony concerning flood-protection expense in House Committee on Irrigation and Reclamation, "Hearings on Protection and Development of Lower Colorado River Basin, H.R. 2903," pp. 1590-1592, 1619, *passim*; see also Epes Randolph to Carl Hayden, Sept. 2, 1919, box 600, folder 6, Carl Hayden Papers, Arizona State University Library, Tempe.

55. "Report of the American Section," 103; Vivanco, *Baja California al Día*, 387-391; Tout, *First Thirty Years*, 277; U.S. Dept. of Commerce, Bureau of Foreign and Domestic Commerce, "Mexican West Coast and Lower California," 299-309; David Henderson, "Agriculture and Livestock Raising in the Evolution of the Economy and Culture of the State of Baja California, Mexico" (Ph.D. dissertation, University of California, Los Angeles, 1964), 209-210. Eugene Chamberlin and Pablo Martinez believe that development would have proceeded considerably faster if the Colorado River Land Company had been willing to sell its lands instead of leasing them. See Chamberlin, "Mexican Colonization versus American Interests in Lower California," *Pacific Historical Review*, XX (1951), 45; Martinez, *A History of Lower California*, 530.

56. House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," pp. 139, 143, 121; Tout, *First Thirty Years*, 121.

57. House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," pp. 57, 128.

58. State Dept. memo, May 22, 1911, State Department Papers, file 711.1216 M/286; P. C. Knox to John D. Works, Feb. 10, 1912, *ibid.*, 318. Before development below the border became extensive, the Imperial Irrigation District favored the purchase of the Mexican delta.

Imperial Irrigation District to John D. Works, April 15, 1911, *ibid.*, 286; Imperial Irrigation District to Works, Jan. 26, 1912 *ibid.*, 318.

59. "Report of the Secretary of War," *H. Exec. Doc. 1*, Part 2, Vol. II, pt. III, 44 Cong., 2 sess. (1876), 337; J. B. Lippincott, "Report on the Lower Colorado River" (1904), pp. 82A-83 (copy in Imperial Irrigation District Library); House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial and Coachella Valleys, Calif., H. R. 6044 and H.R. 11553," 66 Cong. (1920), 572, 128. In 1911 Judge F. C. Farr and C. K. Clarke, the latter a construction engineer, argued for a "high line canal" connecting the valley with the river and bringing water "through a steel tunnel through the sand hills." They believed that the canal's cost could be met largely through the sale of hydroelectric energy developed along the canal. *Imperial Enterprise*, Sept. 15, 1911.

60. First reference in the district's minutes to "friction" between the two receivers which threatened to lead to a water shortage appeared on January 24, 1912. (Imperial Irrigation District Board of Directors, Minutes [Jan. 24, 1912], I, 28.) On February 28, the board discussed the possibility of surveying a "permanent supply canal line" (I, 33), and, on March 12, it asked J. Chester Allison to gather data on reconstructing the Alamo canal, on constructing a "New High Line Canal (the so-called Rockwood Survey)," and on building a canal from Laguna Dam to the intake then being used (I, 35). On March 23, the board instructed its secretary to ask Rockwood for any information he had on an "All American line" (I, 38). Rockwood said he had no data (April 2, 1912, I, 40). For the district's negotiations with the railroad for the irrigation system, see the board's minutes, *passim*. See also Dowd, "History of the Imperial Irrigation District," 99-110, *passim*; Tout, *First Thirty Years*, 119, 137.

61. Phil D. Swing, "The Struggle for Boulder Dam," 60-61, Phil D. Swing Papers, box 35, University of California, Los Angeles; Imperial Irrigation District Board of Directors, Minutes (Oct. 13, 1915), II, 70-73, 80-83; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," p. 367; Tout, *First Thirty Years*, 121, 131, 151.

62. Rose obtained authorization to investigate the possibility of constructing the canal entirely within the United States or partly in Mexico. Franklin K. Lane to Mark Rose, July 6, 1917, box 488, IID Papers; see also House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," pp. 369-374; U.S. Dept. of the Interior, *Seventeenth Annual Report of the Reclamation Service, 1917-1918* (Washington, D.C., 1918), 381-382.

63. Imperial Irrigation District Board of Directors, Minutes (Dec. 19, 1916), II, 250, (Dec. 23, 1916), II, 252, (Nov. 13, 1917), III, 92; Swing, "The Struggle for Boulder Dam," 61, Swing Papers; *El Centro Progress*, Nov. 11, 1917.

64. House Committee on Irrigation of Arid Lands, "Hearing on All-American Canal in Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," pp. 23, 27, 124-125, *passim*; Dowd, "History of the Imperial Irrigation District," 111-115, 117. On November 1, 1911, the district decided to approach the Reclamation Service about obtaining water from Laguna Dam. Imperial Irrigation District Board of Directors, Minutes (Nov. 1, 1911), I, 17.

65. Imperial Irrigation District Board of Directors, Minutes (Jan. 14, 1918), III, 115-116, (Feb. 5, 1918), III, 124-126; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," pp. 228-229, 541; U.S. Dept. of the Interior, *Seventeenth Annual Report of the Reclamation Service, 1917-1918*, p. 382; Walter B. Kibbey to Edward C. Finney, April 23, 1920, box 488, IID Papers.

66. The vote was 2535 to 922. Imperial Irrigation District Board of Directors, Minutes (Jan. 27, 1919), III, 262-264. See also All-American Canal Board, "Preliminary Report" (Dec., 1918), box 477, IID Papers; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," pp. 44, 228-234; House Committee on Irrigation and Reclamation, "Hearings on Protection and Development of Lower Colorado River Basin, H.R. 2903," pp. 1782-1783; Tout, *First Thirty Years*, 348

67. Imperial Irrigation District Board of Directors, Minutes (Dec. 24, 1918), III, 249, (Jan. 27, 1919), III, 264. Though opposed to the canal, Chandler told Secretary of the Interior Franklin Lane that he favored storage because it would be in his "interest as well as in that of the . . . Imperial Valley." He even volunteered to contribute to the cost of flood control. "If there was any burden cast upon the United States by the development of the Colorado River," he informed Lane, "the lands south of the line to the extent of two hundred and fifty thousand acres would stand their proportion of the expense." Franklin K. Lane to A. P. Davis, April 29, 1919, Bureau of Reclamation Papers.
68. Imperial Irrigation District Board of Directors, Minutes (March 11, 1919), III, 279-280; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," pp. 17, 386.
69. *Tucson Citizen*, Jan. 22, 1918; Phil Swing, "The Struggle for Boulder Dam," 27, 35-36, 60-61, Swing Papers; Imperial Irrigation District Board of Directors, Minutes (May 6, 1919), III, 298-301; Tout, *First Thirty Years*, 114, 124, 257.
70. Imperial Irrigation District Board of Directors, Minutes (May 6, 1919), III, 298-301; "Notes on Meeting of Imperial Irrigation District, Sept. 16, 1919," box 486, IID Papers.
71. J. C. Allison and F. S. Lack to Imperial Irrigation District, July 2 and 22, 1919, box 486, IID Papers; see also the minutes kept by the valley's lobbyists in box 486, IID Papers.
72. For the earlier bills introduced by Kettner, Randall, and Hayden, see *Cong. Rec.*, 65 Cong., 3 sess. (Feb. 3, 1919), 2647, (Feb. 7, 1919), 2934, (Feb. 18, 1919), 3738, 66 Cong., 1 sess. (May 19, 1919), 22, 24, (May 27, 1919), 309.
73. *San Diego Union*, Nov. 17, 1917; *Tucson Arizona Daily Star*, Jan. 20, 1918. See also R. B. von KleinSmid, "The League of the Southwest: What It Is and Why," *Arizona, the State Magazine*, XI (May 1920), 5. Significantly, the most outspoken League advocate of Colorado River development at the early meetings was C. E. Grunsky, a consulting engineer and former member of the Isthmian Canal Commission who had acquired most of his knowledge about the stream while helping Imperial Valley developers combat floods.
74. Salt Lake City *Deseret Evening News*, Jan. 18, 20, and 21, 1919; *Salt Lake [City] Tribune*, Jan. 18 and 19, 1919.
75. *Cong. Rec.*, 66 Cong., 1 sess. (1919), 1258; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," p. 8; House Committee on Flood Control, "Hearings on Colorado River Survey, Imperial Valley Project, H.R. 3475," pp. 17-18; Tout, *First Thirty Years*, 124. In his reminiscences, Swing nods when he suggests that all along he favored a bill providing for both storage and the canal. Swing, "The Struggle for Boulder Dam," 48, Swing Papers. See also Swing to W. F. McClure, Sept. 20, 1919, Papers of the California State Engineer, Roll M-612, California Dept. of Water Resources Archives, Sacramento.
76. House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal for Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," pp. 142, 94 *passim*. See also Swing, "The Struggle for Boulder Dam," 62, Swing Papers; House Committee on Flood Control, "Hearings on Colorado River in Arizona," 4-5.
77. House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal for Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," pp. 48-50, 94, 287. Hayden eventually drafted a bill which reflected his desires on these and other points. *Ibid.*, 265-269. See also Thomas E. Campbell to Franklin K. Lane, Feb. 21, 1919, Bureau of Reclamation Papers.
78. House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial County, Calif., H.R. 6044," pp. 48, 262, 37.
79. *Ibid.*, 127, 116.
80. *Ibid.*, 7, 142-143, 551.
81. All-American Canal Board, *Report*, 64.
82. Swing agreed to the storage amendment even before the All-American Canal Board issued its final report. The board's preliminary report, issued in December 1918, also called

for storage. House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal for Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," pp. 162, 8, 234, 282-283; House Committee on Flood Control, "Hearings on Colorado River Survey, Imperial Valley Project, H.R. 3475," pp. 15, 20, 22; "Notes on Meeting of Imperial Irrigation District, Sept. 16, 1919," box 486, IID Papers.

83. Robert Lansing to Moses Kinkaid, Aug. 20, 1919, file 711.1216M/475, State Department Papers.

84. House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," pp. 9-10, 421.

85. *Ibid.*, 290.

86. *Ibid.*, 299, 302, 296, 303; Thomas Yager to Moses Kinkaid, Aug. 26, 1919, file 711.1216M/478, State Department Papers; Mark Rose to Moses Kinkaid, Aug. 28, 1919, *ibid.*

87. Imperial Irrigation District to House Committee on Arid Lands, Jan. 30, 1920, box 491, IID Papers; Elwood Mead to W. F. McClure, Sept. 29, 1919, Papers of the California State Engineer; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," pp. 363-364, 438-488, *passim*.

88. Imperial Irrigation District Board of Directors, Minutes (Sept. 16, 1919), III, 354; F. H. McIver to Moses P. Kinkaid, Sept. 22 and Oct. 14, 1919, box 486, IID Papers.

89. *Cong. Rec.*, 66 Cong., 2 sess. (1920), 1204; House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," pp. 412-413, 418, 429-430, 488, *passim*.

90. Robert Lansing to Moses Kinkaid, Jan. 17, 1920, file 711.1216M/481, State Department Papers.

91. House Committee on Irrigation of Arid Lands, "Hearings on All-American Canal in Imperial and Coachella Valleys, Calif., H.R. 6044 and H.R. 11553," p. 589.

92. *Ibid.*, 574; Imperial Irrigation District to Charles McNary, April 8, 1920, box 486, IID Papers.

93. *Cong. Rec.*, 66 Cong., 2 sess. (1920), 7360.

94. "Problems of the Imperial Valley and Vicinity," *S. Doc. 142*, 67 Cong., 2 sess. (1922), 21.

95. *Cong. Rec.*, 67 Cong., 2 sess. (1922), 5929, 5985.

96. Nevadans also realized early the power possibilities of the Boulder Canyon area. In 1909 Henry C. Schmidt, a Tonopah businessman, filed an application with the federal government to build a power dam at Boulder Canyon. At the time he was unable to generate sufficient support for his plan. "Hoover Dam Documents," 80 Cong., 2 sess., *H. Doc. 717* (1948), 10; Russell R. Elliott, *History of Nevada* (Lincoln, 1973), 275.

97. As early as 1912 Los Angeles had evinced interest in the Colorado, though it did not formally register its intentions until August 30, 1920, when the city council, worried about an imminent shortage of electricity, passed a resolution urging "the development of the Boulder Canyon Reservoir by the United States Government, or, if that be not provided for, then by the city of Los Angeles." See "The Colorado River" (1912), Papers of the Los Angeles Dept. of Water and Power, file 360, Colorado River; "Problems of the Imperial Valley and Vicinity," 282-283.

98. Swing to Mrs. A. P. Davis, July 4, [1933], Davis Papers; Swing to A. P. Davis, Jan. 9, 1929, *ibid.* Cf. Moeller, *Phil Swing and Boulder Dam*, 149. When Secretary of the Interior Hubert Work dismissed Davis as director of the Reclamation Service in 1923, others carried on his work for the Boulder Canyon project. Davis did not live to see the great dam, for he died in 1933, three years before its completion.

Photographs supplied by the author. Photo of flood at Calexico courtesy Harry T. Cory Collection, Department of Special Collections, Research Library, University of California, Los Angeles.

Buffoons and Brave Hearts: Hollywood Portrays the Russians, 1939-1944

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DURING THE SECOND WORLD WAR, more than half the population of the United States went to at least one movie a month; over a third attended at least one a week. An average feature film reached more people than any single book, newspaper, or magazine.¹ With many families rent asunder, the war-bloated economy increasing the resources workers could devote to entertainment, and gasoline and rubber rationing curtailing pleasure excursions, movies represented one of America's most important recreational diversions.

Social scientists attest to the power of the motion picture to affect viewers' attitudes, opinions, and images.² Whether it was the decline in the sales of undershirts attributed to the electric moment when Clark Gable revealed he was a non-user in *It Happened One Night* or the development of stereotypes of Chinese people from Charlie Chan and Fu Manchu movies, the Hollywood film industry exerted an enormous influence on American life. Its products were especially important in portraying the rest of the world to the insular and isolated nation that was the United States before 1945. Undoubtedly, Hollywood's depiction of the Soviet Union during the Second World War affected the way Americans conceived of their strange new ally, and the popular impression of Russia in America contributed to the climate of opinion in which wartime diplomacy was formulated. Thus, despite the unorthodox nature of the source, the motion picture must be examined by the historian interested in the development of Russian-American relations during the war.³

Generally, wartime Hollywood films which dealt with international conditions were simplistically one-sided; bestial Nazis and subhuman Japanese devishly plotted against plucky Englishmen, lovable Russians, and homespun Amer-

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icans.⁴ For a time, however, Russians were placed in the opposing camp, where they were often caricatured as boors or buffoons. As in all other aspects of the Russian-American relationship during World War II, there were two Russias: the pre-June, 1941, treacherous signatory of the Non-Aggression Pact with Germany and brutal invader of Finland, and the post-June, 1941, courageous ally in the struggle against the Nazi scourge.

While scores of Hollywood productions mentioned Russia or communism in passing, a handful of films explicitly concerned themselves with the country, people, or political-economic system. In a broader discussion, one might call attention to a remake of *Beau Geste* which was released in August of 1939. In this version, the two villains, originally Belgian and Italian, became the Russians Rasnoff and Markoff. But to trace all such relatively petty, and perhaps subliminal, inputs would be a difficult, if not impossible, task.

As for the major films, one of the biggest commercial and artistic successes of the war was *Ninotchka*, starring the reigning movie queen, Greta Garbo, in the title role and Melvyn Douglas as the capitalist-hero.⁵ Directed by the respected Ernst Lubitsch and opening at New York's prestigious Radio City Music Hall in November of 1939, the film poked fun at stuffy, unfashionable Russians in gay Paris. Since the world had just witnessed Stalin's purges and the Non-Aggression Pact, *Ninotchka* probably only added to an already dark image. Certainly the satire had bite, as when Ninotchka commented: "The last mass trials were a great success. There are going to be fewer but better Russians."⁶ But the Russians were treated more as buffoons than beasts. In this very popular film, the unsophisticated Russian bumpkins could scarcely be taken seriously as a world power. Indeed, this portrayal of the Soviet system reinforced the common American stereotype that communism was a failure because it failed to produce either sensitive human beings or modish clothing. Many who predicted that Russia would never survive the first onslaught of Hitler's legions were probably influenced by this sort of caricature. It is instructive to note that the most important film dealing with Germany in the same year, 1939, was *Confessions of a Nazi Spy*, a serious melodrama depicting the Germans as formidable enemies.

Of course, one can argue that satire is more effective in shaping attitudes than blunt message pictures.⁷ When critics like Senator Bennett Champ Clark of Missouri and journalist John T. Flynn complained to a Senate committee that Hollywood produced anti-Nazi films but no anti-Russian films, Nicholas Schenck of Loews leaped to his industry's defense by pointing to *Ninotchka*. He even confided to the committee that the release of the devastating satire caused the humorless Russians to abrogate a caviar importation contract with one of Schenck's subsidiaries. After the war, Louis B. Mayer of Metro-Goldwyn-Mayer reported that the film cost his company a lucrative exchange arrangement with the Russian government.⁸

Following *Ninotchka* into the Music Hall along with the big Christmas show was *Balalaika*, starring Nelson Eddy and Ilona Massey. An apolitical musical, the film was a flimsy, mindless extravaganza about Cossacks and royalty. Most likely, audiences found little to associate with contemporary Russia. Even less artistic was *Ski Patrol*, which opened in May of 1940 and tried to cash in on the Russo-Finnish war. This low budget "B" film, starring little-known Philip Dorn



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In the popular Ninotchka released in November, 1939, Greta Garbo chastised her weak-minded and silly comrades (above) for forgetting their communist discipline amid the luxuries of Paris. However, while exploring the romantic city with a gay capitalist rake, played by Melvyn Douglas (right), the humorless communist awakened to the personal joys of a frivolous hat and a sophisticated beau.



Metro-Goldwyn-Mayer Collection



Metro-Goldwyn-Mayer Collection

and Luli Deste, depicted heroic Finnish skiers fighting for freedom against the Russian hordes. (Late in 1941 after Russia became an ally, John T. Flynn told Senate investigators that *Ski Patrol* was "no good any more, because then Russia was an enemy crushing Little Finland." He added, "I suppose we will get a picture now of Finnish soldiers beating up some of Uncle Joe's relatives.")⁹

After *Ski Patrol*, in an incredible flurry of activity, the studios turned out three pictures which best could be described as "Sons of *Ninotchka*." *He Stayed for Breakfast*, starring Melvyn Douglas, formerly of *Ninotchka*, and Loretta Young, opened in New York at the end of August, 1940. This time, Douglas was the Communist and the female lead the capitalist. A silly plot saw the hero fleeing the Parisian police, hiding in a glamorous woman's apartment, and eventually renouncing "Communism [which is] a government without people," according to Miss Young.¹⁰ Even more artless was *Public Deb #1* which graced the screens the next month. In this film, a young heiress was indoctrinated by her Communist butler, Mischa Auer, and it took the love of George Murphy and the invasion of Finland to bring her back to capitalism. Critic Bosley Crowther of the *New York Times*, however, felt the picture painted such an unpleasant picture of café society (Elsa Maxwell played herself) that it may have enhanced the Russian image.¹¹ Finally, there was *Comrade X*, starring Hedy Lamarr and Clark Gable. Opening in December of 1940, this satire, according to one reviewer, took "malicious delight" in running down the Soviet system.¹² The plot involved an American who fell in love with a Russian woman streetcar conductor, convinced her of the evils of her country, and fled with her to the free world. This was to be the last of the anti-Soviet films for several years.

It is surprising that more "serious" films such as *Ski Patrol* were not produced, but the celluloid criticisms of Russia, however sweeping, were made almost exclusively in comedies. They were never as poignant, for instance, as the Robert Sherwood play *There Shall Be No Night*, which was never made into a movie. Perhaps, as Dalton Trumbo, one of the "Hollywood Ten" who were accused after

Metro-Goldwyn-Mayer Collection



In *Public Deb #1*, Hollywood film makers portrayed a pro-Stalin parade and its interruption (far left) as a moment of high comedy. Equally critical was newspaperman Clark Gable in 1940's *Comrade X* (left). With reason and the force of love on his side, he convinced streetcar conductor Hedy Lamarr to flee to the free world.

the war of subversive activities, wrote in the *Daily Worker*, while he and his fellow-travelers in the studios were not successful in helping to sell Russia to the West, they were able to keep the most virulent anti-Communist stories from the screens.¹³

As could be expected, after Hitler invaded the Soviet Union, the climate of American opinion regarding the Russians changed suddenly. American newsreels began to feature the stirring story of brave Russian resistance to Nazi aggression, one of the first bright spots for the democracies since 1939. During the forties, of course, most motion picture theatres offered newsreels with all of their presentations and theatres devoted exclusively to newsreels existed in many large cities.¹⁴ In early 1943, *The March of Time*, a series shown in 11,000 of the 17,000 American movie houses, presented *A Day of War*, a well-made Russian documentary on events which transpired on a typical day in the wartime Soviet Union. Up to this point, American exhibitors had not used many Russian films.¹⁵

More important and popular than newsreels were the feature length films from Hollywood, and here we find a curious relationship between the industry and the motion picture bureau of the Office of War Information (OWI). Hollywood producers wanted to make films which contributed to or at least did not detract from the war effort, and they petitioned the bureau for guidelines and directions.¹⁶ By the end of 1942, at the request of the bureau, the studios began submitting their film scripts to Washington, D.C., for correction and commentary. As for the films dealing with Russia, on at least two occasions scripts were sent directly to the Russian embassy in the capital.¹⁷ There, a cultural attaché, Victor Bazykin, made relatively minor suggestions concerning the authenticity of Russian names, customs, and terrain. The absence of any major criticism from Bazykin indicates official Russian approval of the way Hollywood portrayed the Soviet Union.

The motion picture bureau of OWI (along with "technical consultants" in the Russian embassy), therefore, operated as an informal censor, although it preferred to consider itself a friend and advisor to Hollywood.¹⁸ And, in general, the producers and writers eagerly accepted its advice. This spirit of free and easy cooperation resulted, in part, from their decision not to make anti-Russian films in 1943 and 1944.¹⁹ Whether they behaved in this manner because they were sympathetic to Russia or because they coveted OWI contracts for government information films is difficult to say. What was clear, however, was that Hollywood's treatment of Russia would positively contribute to Allied unity.

The most famous film made about Russia during the war was *Mission to Moscow*, a faithful adaptation of former American Ambassador Joseph E. Davies' memoirs. According to one advance story, this Warner Brothers production had the largest advertising budget for any film up to that date, including *Gone with the Wind*.²⁰ As things turned out, it needed all the advertising it could get, for it was not a very good film. Starring Walter Huston, Ann Harding, and a group of excellent character actors, *Mission to Moscow* was a long, relatively lifeless paean to the Soviet Union. James Agee, the distinguished movie critic, considered the film a simple case of pamphleteering.²¹ Appearing in the semi-documentary were an appeasing British ambassador, who took on arch villain

status, kindly old President Kalinin, gracious Russian officials, jolly Muscovites, and even a benign Joseph Stalin.

Had it not been so tedious, *Mission to Moscow* could have considerably affected those who saw it. At the start, Davies appeared on the screen to introduce the film and, thus, to legitimize its documentary nature. Viewers could then conclude that they were seeing vignettes from Russian history in 1937 and 1938 as they actually happened. The anti-Russian British diplomat, a caricature of an effeminate Englishman, no doubt compelled many Americans to support whatever cause such a specimen opposed. Moreover, the inclusion of a charming skating party and the suggestion of a romance between a dashing Russian officer and Davies' daughter made the Communists appear likeable and human. Above all, Davies' interpretation of the purge trials as a just Russian judicial system dealing with traitorous Nazi and Japanese spies seemed authentic. These sequences, with all of the Trotskyite conspirators named, appeared like a trustworthy newsreel to many viewers.²²

In the last analysis, *Mission to Moscow* most likely convinced those who were prepared to be convinced of Russian good intentions, but it was so one-sided that it alienated sophisticated audiences who would never trust the Communists. And, of course, much of its impact was weakened by the controversy it spawned. The film made nationwide headlines for several months even before it was released. Thus, many audiences were already on their guard.

Ann O'Hare McCormick, the New York *Times* chief foreign correspondent, thought the film so important that she devoted an entire column to debunking it. Letters poured into the *Times* on both sides of the question, and the New York City Transportation Board got into the act by banning *Mission to Moscow* advertisements from subways and elevated trains.²³ All this hoopla did not signify universal interest, however, for the film was a disappointment at the box office.²⁴ Of course, the Russians themselves were pleased with it. In a special tribute to the producer of *Mission to Moscow*, they named a heroic American newsman in one of their own war films "Jack Warner."²⁵

In lengthy testimony before the House Un-American Activities Committee in 1947, Warner avowed that the uncritical *Mission to Moscow* was made in the same spirit as *Destination Tokyo*—to help the American war effort. He said that he was not pressured into making the film and that, as far as he was concerned in 1943, *Mission to Moscow* was not an inaccurate portrayal of Russian history. Of course, the producer pointed out, he knew very little about the Soviet Union and thus had no reason to doubt the testimony of an expert like Davies.²⁶

Surprisingly, few observers took issue with the next-appearing Soviet-oriented American film, *Battle of Russia*, a "Why We Fight" film made for the Army by Lt. Frank Capra. Released to the general public in 1943, this documentary outlined the history of the Russian people's fight for freedom from the twelfth century to the twentieth. Critic Bosley Crowther found it a brilliant piece of documentary film-making, full of "grim and moving scenes." As prepared for the soldiers, the original film included a note about the Soviet absorption of the Baltic countries and Bessarabia, as well as the Finnish unpleasantness, but these qualifications were deleted from the commercial version.²⁷



After Russia became an ally, Hollywood presented the former villain from a favorable, people-are-all-the-same perspective. Song of Russia depicted a homey view of peasant life in a war-torn country (above) and even featured a romance between a Russian girl and an American symphony conductor, played by Robert Taylor (above left). In Days of Glory guerilla fighters and actress Toumanova (left) appeared as courageous defenders of world-wide democracy.

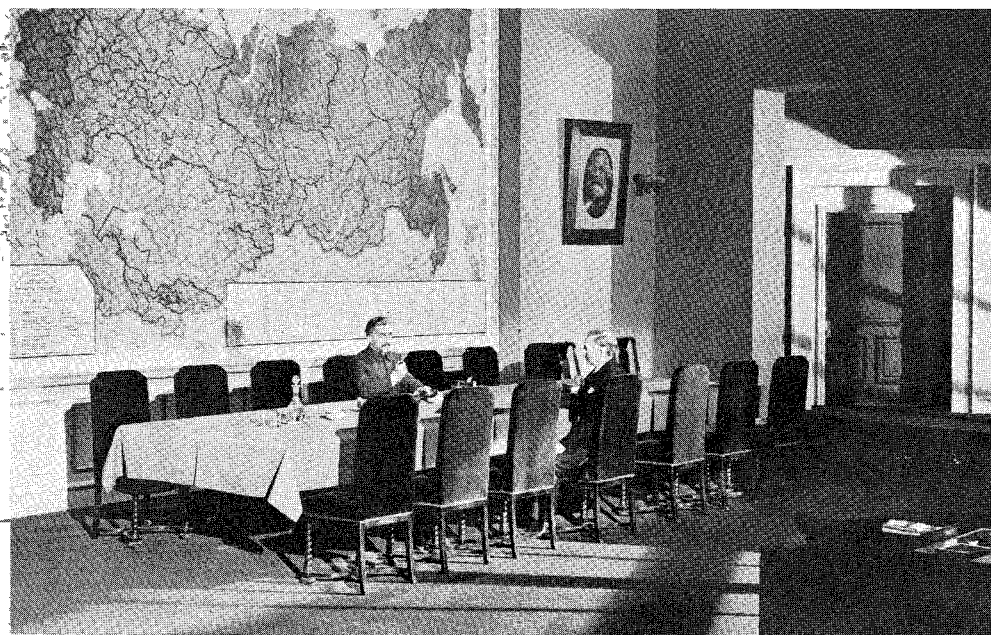
Ambassador Joseph E. Davies' memoirs of his diplomatic experiences in 1937 and 1938 served as the inspiration for the semi-documentary Mission to Moscow. The film portrayed the ambassador receiving a near-royal welcome in Russia (below) and included a dramatically-staged meeting between Davies and Stalin (opposite page) under the gaze of a benevolent Karl Marx.



Likewise, only a minority protested the 1943 adventure story, *North Star*, which lionized Russian partisans. Starring Eric von Stroheim as an evil German doctor and a cast which included Walter Brennan, Walter Huston, Ann Baxter, Ann Harding, Dean Jagger, and Dana Andrews, the film portrayed the events which followed the Nazi takeover of a simple Russian village,²⁸ including the Russian's scorched-earth offensive and children fighting as guerrillas against the insanely cruel German occupiers. With Aaron Copland orchestrating the score, and accomplished authoress and good friend of the Soviet Union Lillian Hellman writing the screenplay, *North Star* could hardly not have been a success. It opened, in fact, at two major New York theaters simultaneously. While the Legion of Decency later found *North Star* "objectionable" because of the wanton killing of Germans, especially the villainous doctor who was dispatched without due process of law,²⁹ Samuel Goldwyn of MGM maintained that the film simply showed that Russians were very much like Americans: Walter Brennan, for example, played the "homespun, earthy philosopher . . . [who had a] counterpart in every American town."³⁰

1944 saw Hollywood issue three first-run films in this same genre—*Three Russian Girls*, *Song of Russia*, and *Day of Glory*. *Three Russian Girls*, which opened in February, was an American version of the Russian film, *The Girl From Leningrad*. Kent Smith and Anna Sten starred in this romance about a nurse at the front and her love for a handsome patient. The *Times* critic felt it was the best film about nurses to come out of the war.³¹

A week later, *Song of Russia* opened in New York with an all-star cast headed by Robert Taylor, Susan Peters, Robert Benchley, and John Hodiak. A musical "scored" by Tchaikovsky, the film told the story of an American symphony conductor's marriage to a Russian girl and the trials and tribulations of their war-



Academy of Motion Picture Arts and Sciences Collection

time romance. Played against the background of fighting Russia, this well-made feature offered pleasant vistas of life in the land of the Communist ally.

After the war, *Song of Russia*, which was written, in part, by an alleged Communist, was singled out as one of the most blatantly propagandistic movies of the period. In 1947, a defensive Louis B. Mayer told the House Un-American Activities Committee that he considered the film a harmless musical which could have taken place in Switzerland or England. It was set in Russia only to offer "a pat on the back for our then-ally, Russia." Mayer compared *Song of Russia*—which he continually stressed was not *meant* to be propaganda—to *Mrs. Miniver*, a feature which offered besieged England a pat on the back. Robert Taylor, obviously embarrassed over what he now thought was a Communist plot, told the congressmen that he had objected to making the film, and he also claimed that Lowell Mellett of the Office of War Information was deeply involved in its production. As an expert "witness for the prosecution," Ayn Rand was called to give her impressions. A Russian emigré, the philosopher-novelist explained that *Song of Russia* was so full of propaganda that it "made me sick," for it portrayed a happy, well-fed, religious Russia which never existed.³²

The final pre-Yalta Hollywood film featuring Russian characters was a low-budget RKO production entitled *Days of Glory* which opened in June of 1944. With a young and relatively unknown Gregory Peck and Russian actress Tamara Toumanova, the film was a grim study of guerrilla fighters and the love affair between Peck and a ballet dancer. Realistic war scenes which transcended a weak script left few eyes dry, as most of the cast was slaughtered before the finale.

That the Russians were well served by Hollywood from 1941 through 1944 is underscored by the fact that they wanted to decorate the producers of *Mission to Moscow* and *North Star*, as well as Edward G. Robinson who had narrated a Russian documentary.³³ During the war, they also exchanged films with America. While they were interested primarily in such harmless fripperies as *It Happened One Night* and *In Old Chicago*, they did import *Mission to Moscow*, *Song of Russia*, and *North Star*. According to the *New York Times* correspondent, *North Star* was especially popular in Siberia, where it played to 50,000 people in one theatre over a twenty-day period.³⁴

At the same time, it is highly doubtful that a conspiracy existed between Communist directors or writers and Moscow or even Washington. The best study of the issue, John Cogley's *Report on Blacklisting*, shows that there is little evidence that Comintern agents produced films made in Hollywood during the war.³⁵ That the studios saluted the Russian ally is not surprising, for if Soviet communism and purges were tucked under the rug for the duration, so too were British arrogance and imperialism, French appeasement, and presumed Chinese sloth.³⁶

Millions of Americans who went to the movies every week during World War II saw feature films, documentaries, and newsreels about the Soviet Union, her armies, and her people. From 1939 through late 1940, Hollywood produced several films, which, while not very flattering to the Russians, were never as hostile as such anti-Nazi epics as *Confessions of a Nazi Spy*. After the summer of 1941, few films exhibited anything unfavorable about the Soviet system and people, and most emphasized the Russians' love for democracy and fierce brav-

ery in the face of overwhelming odds. *North Star* and *Song of Russia*, two of the three major releases on the subject in 1943 and 1944, could not but impress their viewers.

Public opinion polls tell us that Americans became increasingly friendly towards the Soviet Union during this period,³⁷ and Hollywood undoubtedly had something to do with this shift in attitudes.³⁸ Naturally, popular attitudes toward Russia—affected by movies as well as other media, events, and government pronouncements—created a mood in the United States which affected policy decisions of late 1944 and early 1945. As President Roosevelt and his colleagues journeyed to Yalta, they could rest assured that the majority of their countrymen shared their views about the possibility and desirability of cooperation with the Russians in making the peace. Like other industries in wartime America, Hollywood did its part. And like other industries, Hollywood would soon join the Cold War battle with contributions such as *I Was A Communist for the FBI* and *All My Sons*.³⁹ By the early fifties, the pleasant images of *Song of Russia* and *North Star* were almost completely forgotten as Hollywood atoned for its fellow-traveling with scores of one-dimensional exposés of the “Communist Menace.” Perhaps the motion picture image-makers of today will resurrect the heroic partisan as a more fitting symbol of the emerging Soviet-American detente and demonstrate again Hollywood’s adaptability to changing times.

NOTES

1. Hadley Cantril, *Public Opinion, 1935-1936*, 4870 (Princeton, 1946); Leo A. Handel, *Hollywood Looks At Its Audience*, 95-96 (Urbana, 1950).

2. For the impact of motion pictures on opinions and attitudes, see Herbert Blumer, *Movies and Conduct*, 140-51 (New York, 1933); Harold R. Isaacs, *Scratches on Our Minds*, 119-20 (New York, 1958); Carl Hovland, “Effects of Mass Media of Communication,” in Gardner Lindzey (ed.), *Handbook of Social Psychology*, II, p. 1066 (Reading, Mass., 1954); Carl Hovland, Arthur A. Lumsdaine, and Fred D. Sheffield, *Experiments on Mass Communication*, 266-75 (Princeton, 1949); Melvin Small, “Motion Pictures and the Study of Attitudes,” in *Film and History*, 2:1-6 (1972).

3. Thanks to the television “late show,” the author has seen (albeit in truncated versions) five of the movies under discussion: *Ninotchka*, *Comrade X*, *Mission to Moscow*, *North Star*, and *Days of Glory*. For information on the others, he has had to rely on reviews in newspapers and magazines. Helpful here is *The New York Times Film Reviews* (New York, 1971).

4. Bosley Crowther, “The Movies,” in Jack Goodman (ed.), *While You Were Gone*, 516 (New York, 1946); Dorothy B. Jones, “Hollywood War Films,” in *Hollywood Quarterly*, 1:1-20 (October, 1945); David Manning White and Richard Averson, *The Celluloid Weapon: Social Comment in the American Film*, 90-91 (Boston, 1972); Charles Higham and Joel Greenberg, *Hollywood in the Forties* (New York, 1968); Lewis Jacobs, “World War II and the American Film,” in *Film Culture*, 47:28-42 (Summer, 1969).

5. Exact box-office statistics for the war years are inaccessible or, as this author was told by an official of Metro-Goldwyn-Mayer, “the records containing such information are so old they are no longer available.” Letter to author from Frank E. Rosenfelt, Secretary of MGM, March 29, 1968.

6. *New York Times*, November 10, 1939, p. 27.

7. *Ninotchka* was reshowed in Italy in 1948 where it was alleged to have adversely affected the Communist vote. Arnaldo Cortesi and “Observer,” “Two Vital Case Histories,” in Lester Markel (ed.), *Public Opinion and Foreign Policy*, 200 (New York, 1949).

8. United States Senate, Committee on Interstate Commerce, *Propaganda in Motion Pictures*, 77 Cong., 1 sess., pp. 71, 120, 331-32 (Washington, 1942); United States House of Representatives, Committee on Un-American Activities, *Hearings Regarding the Communist Infiltration of the Motion Picture Industry*, 80 Cong., 1 sess., 76 (Washington, 1947).

9. *Propaganda in Motion Pictures*, 120.

10. *New York Times*, August 31, 1940, p. 16.

11. *Ibid.*, September 18, 1940, p. 19.

12. *Ibid.*, December 26, 1940, p. 23.

13. *Hearings Regarding the Communist Infiltration*, 114.

14. It is true, however, that some people tired of newsreels. Donald Slesinger, "The Film and Public Opinion," in Douglas Waples, *Print, Radio, and Film in a Democracy*, 92-93 (Chicago, 1942).

15. Margaret Thorp, *America at the Movies*, 21 (New Haven, 1939); *New York Times*, January 24, 1943, sec. II, p. 3.

16. See for example, Walter Wanger (Universal Pictures) to Gardner Cowles, Jr. (OWI), June 30, 1942, Records of the Director, Box 3, Office of War Information Files, RG 208, Federal Records Center, Suitland, Maryland. But Wanger did not approve of the way the OWI implemented his suggestions. Wanger, "OWI and Motion Pictures," in *Public Opinion Quarterly*, 8:100-10 (Spring, 1943).

17. For information on the Russian embassy's role as technical advisor to *Song of Russia* and *North Star* see entry 264, Lillian Hellman folder, Box 1433B; Lowell Mellett (Chief of Motion Picture Bureau) to Samuel Goldwyn (MGM), January 20, 1943, Box 1433B; Victor Bazykin to Mellett, January 9, 1943, Box 1431; and Mellett to Maurice Revnes (MGM), December 31, 1942, Box 1440, OWI files.

18. On the bureau as a censor, see the exchange between Mellett and Roger Baldwin (ACLU), December 24, 1942, December 29, 1942, Box 1431, entry 264, OWI files.

19. One minor incident arose when *Confessions of a Nazi Spy* was reissued in 1943 with a revised ending which had been made in 1940. This ending referred briefly to the Russian invasion of Finland. When Mellett apprised Jack Warner of this transgression, the movie was withdrawn from circulation. Mellett to Warner, March 27, 1943, Warner to Mellett, March 29, 1943, Box 1443, entry 264, OWI files.

20. *New York Times*, March 8, 1943, p. 25.

21. James Agee, *Nation*, 156:749-50 (May 22, 1943). See also Jones, "Hollywood War Films," 7.

22. Prior to the film's release, concern was evinced by the OWI that American supporters of Trotsky might be offended by its characterization of the former leader. John Dewey to Mellett, Mellett to Dewey, September 24, 1942, October 5, 1942, Box 1433, entry 264; Mellett to Elmer Davis, September 9, 1942, Records of the Director, Box 3, Motion Pictures 1942, OWI files. Some of the "facts" presented by Hollywood were anachronistically incorrect. John Chamberlain, *America's Second Crusade*, 245 (Chicago, 1950). See also John L. Gaddis, *The United States and the Origins of the Cold War 1941-47*, 44-45 (New York, 1972).

23. *New York Times*, May 8, 1943, p. 14; May 9, 1943, sec. IV, p. 8; May 16, 1943, sec. IV, p. 12; May 25, 1943 p. 14; June 13, 1943, p. 3; May 28, 1943, p. 4. The Boston City Council asked the Mayor to ban it outright. *New York Times*, May 16, 1943, p. 24.

24. Crowther, "The Movies," 516. *Hearings Regarding the Communist Infiltration*, 35. Still, 11 per cent of those polled in 1943 reported they saw the film. Cantril, *Public Opinion, 1935-1946*, 485.

25. Paul Babitsky and John Rimberg, *The Soviet Film Industry*, 261 (New York, 1955). According to some observers, the Russian leadership found Davies' version of their own recent

history to be rather amusing. Cyrus L. Sulzberger, *A Long Row of Candles*, 213 (New York, 1969); Alexander Werth, *Russia at War 1941-45*, 617 (New York, 1965).

26. *Hearings Regarding the Communist Infiltration*, 10, 33.

27. *New York Times*, November 15, 1943, p. 23.

28. According to a 1943 poll, Americans chose their movies primarily because of the cast. Handel, *Hollywood Looks at Its Audience*, 36.

29. *New York Times*, November 8, 1943, p. 24.

30. *Ibid.*, April 4, 1943, sec. II, p. 3.

31. *Ibid.*, February 5, 1944, p. 13.

32. *Hearings Regarding the Communist Infiltration*, 71, 72, 166, 167, 83-84. Arguing that the film was important for the war effort, Mellett convinced the Navy to extend Taylor's leave. Mellett to Leland Lovette (U.S. Navy public relations), May 1, 1943, Box 1442, entry 264, OWI files.

33. Averell Harriman (Ambassador to Russia) to Cordell Hull, January 22, 1944, February 9, 1944, United States Department of State, *Foreign Relations of the United States*, 1944, vol. IV, pp. 808, 824 (Washington, 1966).

34. Jan Leyda, *Kino*, 379-80 (New York, 1960); *New York Times*, August 27, 1944, sec. II, p. 3.

35. John Cogley, *Report on Blacklisting* (New York, 1956). See especially Dorothy B. Jones, "Communism and the Movies," 196-233. For the most part, the infamous "Hollywood Ten" were involved in innocuous, pro-American war movies and comedies which allowed little room for propaganda or distortion. See also the review of blacklisting in *Film Culture*, 50, 51 (Fall and Winter, 1970).

36. To a limited degree, Hollywood lent some of its talent to Russian war documentaries which proved to be popular in this country. Walter Huston, Edward G. Robinson, Edward R. Murrow, Brian Donlevy, and Quentin Reynolds did the English narration for the excellent Russian-made full-length news features, *Our Russian Front*, *Moscow Strikes Back*, *The Siege of Leningrad*, *Stalingrad*, *The City that Stopped Hitler*, and *One Inch from Victory*. See Arthur L. Mayer, "Facts into Film," in *Public Opinion Quarterly*, 8:215 (Summer, 1944). Roosevelt himself urged the American release of a Russian documentary on partisans. Roosevelt to Harriman, March 14, 1944, Elliot Roosevelt (ed.), *FDR, His Personal Letters*, vol. II, p. 1502 (New York, 1950). For his part, Representative Emanuel Celler was impressed with the Russian documentary *Justice Is Coming* and recommended it to the OWI for showing throughout America. Celler to Elmer Davis, August 7, 1944, OWI Correspondence with Congress, Box 11, Item 2, OWI files.

37. Warren B. Walsh, "What the American People Think of Russia," in *Public Opinion Quarterly*, 8:513-22 (Winter, 1944-45).

38. Naturally, the conservative Hollywood film industry, which tried to cater to public tastes, may have reflected attitudes which had been changed earlier by the events of the war. After all, no films appeared on the subject of Russo-American relations in 1941 and 1942.

39. On the general theme of changing images of Russia see the suggestive article by Les K. Adler and Thomas G. Paterson, "Red Fascism: The Merger of Nazi Germany and Soviet Russia in the American Image of Totalitarianism, 1930's-1950's," in *American Historical Review*, 75 1046-64 (April, 1970).

Research Uses of County Court Records, 1850-1879

And Incidental Intimate Glimpses of California Life and Society

Part II

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THE USES OF county court records for legal history may, at first glance, appear obvious, yet the legal history of California and the American West has received so little serious attention to date that this survey should not omit the subject. Julius Goebel, Jr., of Columbia Law School, has written that "the rich and often exciting land of the law's past . . . has become a sort of *res nullius* [the property of nobody] awaiting an occupant."⁸⁴ But Goebel has challenged the idea that the lay historian can "take seisin" of the "vacant acres" and contends that the lawyer alone is trained for the task. He also has blistered historians for their unconscious misuse of legal terms, for their all too common failure to master the language of the law.⁸⁵ Certainly the layman enters the field of legal history at peril, for he may not recognize that the language of the law, though most often English, is in truth largely a "foreign language."⁸⁶ Similarly, while Maitland, the great English legal historian, believed that legal history is not law, but history, he tacitly assumed that the legal historian would have thorough training in the law.⁸⁷

In California the first legislature provided that "the Common Law of England, so far as it is not repugnant to or inconsistent with the Constitution of the United States, or the Constitution or laws of the State of California, shall be the rule of decision in all the Courts of this State."⁸⁸ Except for a few Spanish-Mexican civil law carry-overs—such as the separate and community property laws as opposed to the common law tenancy by the entirety, the law of water rights by appropriation as opposed to the common law riparian rights, and some indigenous local law, as in the law of mining—the early California statutes followed the orthodox Anglo-American form. The 1850 and 1851 practice acts and the supreme court's rules of practice prescribed the state's principal rules of judicial procedure.⁸⁹ But as George E. Woodbine of the Yale University history

department and law school once wrote: "In the matter of legal history, historians, and even lawyers largely, seem to forget that the law under which the people of any particular time or place live must be sought for, in the last analysis, not in what the written laws, or even the courts, *say*, but in what the courts *do*."⁹⁰ The records of the county courts, then, in reporting what the courts *did*, give us a good segment of the law under which the people in the respective jurisdictions actually lived.

The keystone of the California judicial structure was the man on the bench who, exercising the vast discretionary powers of his office, pronounced solemn judgment on the interests of civil litigants and on the freedom and lives of those convicted of crime. The records of the actions over which the judge presided inescapably recorded the judge's competence and character.

The pioneer justices of the peace in California differed widely from one another in training and ability, but most of them were men of above average accomplishment.⁹¹ An occasional misspelling appears in their writs and orders, but they conscientiously strove to observe prescribed procedures and to uphold the authority of judicial processes.

District court judges, the cases show, were men of a good level of legal ability, on the whole, who presided over their courts with principle and integrity and with a stout, if not at times militant, resistance to all attempts at intimidation. For an excellent example of decision making by a district court judge one may look at Judge E. W. McKinstry's two lengthy opinions in *Valentine et al. v. Stewart et al.*, a complicated case concerning the specific performance of a contract relating to the sale of land, which was tried in Sonoma County in 1858.⁹² The judge found the contract to be against public policy, and so void. Denying the plaintiff's motion for a new trial, Judge McKinstry concluded by stating,

I do not therefore think that the objection to the dismissal of the Bill, that the order was made upon a proposition of law not contained in the pleading, is a good one. So to rule, would leave it entirely in the power of the parties to a suit to invoke the great principles of public policy, or not to invoke them, as seemed most conducive to their own profit; and compel Judges to stand silently by and witness the interests of a Government sacrificed in her own Courts.⁹³

Below his signature he added, and then crossed out, "My respect for the ingenious views of Counsel have induced me to write more than was perhaps necessary." On appeal of the decision, the supreme court found that "the learned judge . . . [had] properly dismissed the bill" and affirmed the decree.⁹⁴

Embattled Judge Levi Parsons of the San Francisco district court, who tenaciously sought to maintain the authority of the regular tribunals in the face of wide-spread public criticism of the technicalities and delays (and, particularly, of what the San Francisco *Herald* called "the tenderness with which offenders are treated") exemplifies the district court judge of iron resolve and indomitable character.⁹⁵ In March, 1851, Judge Parsons fined and imprisoned William Walker, editor of the *Herald*, for contempt. Walker's articles had sharply attacked the court and contributed materially to the appearance of the powerful San Francisco Committee of Vigilance in June of that year. Seizing upon the words of the great English jurist, Lord Mansfield, Judge Parsons declared that, "if in pronouncing this defendant guilty, I am to bring down on my own head

the whole artillery of libels, all that falsehood or malice can invent, or that deluded people frenzied with madness can swallow, nevertheless it is my bounden duty, if I think so, to so find.”⁹⁶ Strong efforts were made before the state legislature to impeach Judge Parsons, but he withstood all challenges.

There were, of course, exceptions to the competence of district court judges, and eminent in this category was William R. Turner of the eighth district court of the counties of Yolo, Sutter, and Yuba. Judge Turner’s bitter feud with Stephen J. Field of Marysville (who later became chief justice of the California supreme court and then, for thirty-four years, served as an associate justice of the United States Supreme Court) brought the judge’s rougher qualities dramatically to light. In June, 1850, Field was representing Captain John A. Sutter in a case in the Yuba County district court and had stated his exception to one of Judge Turner’s rulings, whereupon the judge summarily pronounced him in contempt and fined him \$200. Field replied, “Very well,” in consequence of which the judge, in “the most violent and boisterous manner,” raised the penalty by stages at each rejoining “Very well,” until he declared, “I fine him five hundred dollars and commit him twenty four hours—forty eight hours—turn him out of Court—I force him out of Court.”⁹⁷ In the next few days, besides banning Field and two fellow attorneys from the court, the judge fined and jailed County Judge H. P. Haun for contempt for having released Field on a writ of habeas corpus. The supreme court, on Field’s petition, directed Judge Turner to vacate his order of expulsion and to reinstate the disbarred attorneys; but the contrary judge so delayed compliance with the mandamus, stating that he would rather be impeached than comply, that the issuance of a second writ became necessary.⁹⁸

On the petition of several hundred residents of Yuba County that Judge Turner be removed from office as “an unfit person” who had been guilty of “gross oppression and tyranny in office,” a committee of the state assembly conducted an extensive investigation of the judge’s conduct.⁹⁹ The assembly itself deliberated the matter at length, then voted to indefinitely postpone the charges and the testimony.¹⁰⁰ The legislature, however, had fortuitously passed a bill earlier in the session which reorganized the courts and, among other things, punitively uprooted the eighth judicial district and Judge Turner from the counties of Yolo, Sutter, and Yuba and relocated them in the isolated and then little-developed counties of Trinity and Klamath.¹⁰¹

Exemplary of the caliber of the county court judge was Judge J. E. Wyman of remote Humboldt County, who, in the year 1853, decided the case of *Howard v. West*, which concerned a dispute over a simple water supply system consisting of a 100-foot pipe, a barrel in a spring at one end, and a cask with a spout at the other.¹⁰²

“This action,” the judge wrote in a carefully drawn six-page opinion,

is in the nature of the action of trespass quare clausum fregit, and although our Statute has abolished all forms of action, and pleadings in an action, still it is as important that the pleadings should contain matters of substance as it formerly was, and there is now even a greater necessity for the defendant in his answer to set out in extenso his defence. . . . If it were sufficient for the defendant in answer to the complaint merely to plead non assumpsit, nil debet, not guilty, etc., manifest injustice must ensue. . . . The case then stands thus: If what the deft.

claims in the plaintiffs land was of a higher character than an incorporeal hereditament, it could not be established by prescription. If it was an incorporeal hereditament he could not prove it under the plea of the general issue (3 Bar. S.C. Rep. 105). If he seeks to justify the trespass by virtue of his right to the use of the water as an easement, he must set forth specially in his answer (2 Chit Pl, 495) and generally matters in justification of a trespass must be specially pleaded. [Judgment therefore was for the plaintiff.]

In this decision the judge performed his basic task of laying down the relevant legal principles and applying them to the facts of the case. Here is the judge in his primary role as trier of cases and declarer of the law.

In 1854 Judge Wyman heard the case of *Caldwell v. Eddy & Wicks*, an action for recovery on a promissory note on appeal from the Bucksport justice of the peace.¹⁰³ Said the judge:

The only question involved in this case is whether so much of the act entitled 'An Act Concerning Courts of Justice of this State and Judicial Officers' [*Cal. Stats.* (1853), 298] . . . is in contravention of the provisions of the Constitution and so far void. I approach this question fully sensible of its vast magnitude and grave importance, and in order to arrive at a correct solution of it, it may be proper to lay down a few rules and principles, which seem by long acceptance to have become universally recognised and adopted in the construction and interpretation of the fundamental as well as Statute law." After a due consideration of the legal principles involved, the judge concluded, "I am of [the] opinion that so much of the act of the legislature conferring jurisdiction on Justices Courts in actions upon contracts [in which the amount claimed does not exceed \$500] . . . is unconstitutional, and so far void.

Here is the judge in his role as lawmaker, through the interpretation and construction of statutes and in the resolution of constitutional issues. Here is a judge who, in striking down a legislative enactment, displayed the jurisprudential refinement of serious concern for the consequences of his holdings. In this particular case, it is proper to note, the state legislature subsequently amended the law to bring it into agreement with the county judge's ruling.¹⁰⁴

Judge Wyman's successor as Humboldt County judge, Judge A. I. Heustis, also delivered carefully reasoned opinions. In *Ricks v. Duff* (1860), his fifteen-page analysis of the facts and the law of the case led him to overrule the demurrer of the Eureka City board of trustees and establish the jurisdictional principle that the county court was appellate to all inferior legal tribunals exercising judicial power, "by whatever name called," including the city board of trustees.¹⁰⁵

On balance, the early cases show a competent, mature local bench acting with the traditional integrity and with a good measure of the sophistication customarily associated with the judicial office.¹⁰⁶ The cases give little evidence of any rule of crude, untechnical law, though the character of law enforcement might occasionally be otherwise.¹⁰⁷ Apparently statehood California had no era of frontier, formative jurisprudence, as is sometimes held to have existed in other areas. Perhaps no part of the American West ever really knew such an era, for it may be that holders of such views have relied on evidence that is only fragmentary or more extraordinary than ordinary.¹⁰⁸

Court records show that early California lawyers were an equally talented group, and, certainly, by reason of the special body of learning required by their calling, among the best educated members of the community. Doubtless the

Sheriff's Sale
 Will be sold for Cash in hand on
 the 21st day of Feb 1850. ~~at~~ House of
 Joseph Wright on fourth Street between J
 I all the intres of the Said J. Wheelwright
 into the following property - 9 Bot Champagne
 Cider 6 liquor Bottles Bns and Shelf 1 Counter
 1 Table 2 Benches Stove & Pipe Lot Lumber
 4 flying Horses and fix tuss House fixtures
 1 Ha Kettle one lot of Ground on which
 the House stands taken as the property
 of Joseph Wheelwright in favour of
 Darling and Moody & Co on a judgment
 obtained in the Court of the first Inst
 in and for this district on the 4 day Feb
 1850 D.B. Hanner Sheriff
 Sacramento Feb 16th 1850 By J. Smith

In civil cases sheriffs' sales were frequently
 ordered to provide pecuniary compen-
 sation for injuries suffered. This
 1850 notice of sale (above) offered house
 and lot and sundry furnishings for sale.

In this 1849 court order (below),
 the Sacramento district sheriff was com-
 manded "to summon six good and lawful
 men to make a jury," a modification of
 the twelve-man jury adopted in California.

The Territory of California To the Sheriff of
 Sacramento District Greeting. You are hereby com-
 manded to summon six good and lawful men to
 make a jury in the case of Harris & Shanon v R.R.
 Bury
 Oct 26th 1849

J. Thomas Lusk
 J. A. Davis' Clerk

pettifogging order was fully represented, but California seems to have attracted an unusual number of lawyers of outstanding ability and stature. The records document such lawyer-related matters as the procedures followed for admission to practice, the variety and quality of trial motions and pleadings, techniques of examination and cross-examination, style and weight of argument, competence of citation of authorities, proposed instructions to the jury, and lawyer-client relations.¹⁰⁹

The actions brought in the county courts and the procedures for trying them were overwhelmingly Anglo-American, common-law-based actions and procedures, apparently little influenced by local conditions or by civil law. Orthodox enforcement of private rights was what pioneers wanted: protection of physical person, personal property, land and buildings, and economic pursuits. In a fair observance of the procedural requirements of the statutes, criminal prosecutions flowed from information, indictment, and private complaint; civil actions from complaint and summons.¹¹⁰

Although the legislature had provided that there should be "but one form of action for the enforcement or protection of private rights and the redress of private wrongs, which shall be denominated a civil action"¹¹¹ (thus ruling out the complicated common-law forms of action), California lawyers and judges knew well that the old common-law elements of a *prima facie* case must still be recited in the pleadings. They would not have disputed Maitland's remark that, "The forms of action we have buried, but they still rule us from their graves."¹¹²

California cases reveal the full range of civil actions of the time: debt, account, assumpsit, replevin, trover, trespass, case, forcible entry and detainer, and the like, along with most common law and statutory felonies and misdemeanors.¹¹³ General (common or indebitatus) assumpsit, a quasi-contractual action brought on a promise implied in law to prevent unjust enrichment or because of obligations of natural justice and equity, was generally termed simply assumpsit, with "assumpsit on account" probably the most common civil action. *Bristol v. Potter & Brown*, an action of "assumpsit for \$2737" in the Sacramento court of first instance in February, 1850, illustrates a declaration's utilization of several of the familiar common counts: "This is an action of assumpsit for goods wares & merchandize sold \$2737. For this amt due for so much money had & received to the use of the plff \$2737. For this amt due on acct stated \$2737."¹¹⁴ Assumpsit for damages "for breach of warranty on sale of horses" and "for breach of guarantee on sale of horses & wagon" are examples of early Sacramento actions of special assumpsit which lay for suits on either express or implied-in-fact contracts.¹¹⁵ The legal writs of habeas corpus¹¹⁶ and mandamus¹¹⁷ and the equitable writ of injunction¹¹⁸ were the extraordinary remedies noted. Writs of certiorari were not uncommon.¹¹⁹

The cases are a storehouse of materials on the role of that great common law stay of individual liberty, the trial jury.¹²⁰ The composite of popular attitudes, standards, and principles that is the jury may be seen in the jury's important work of tempering justice, as in its recommendation that the Indian Pastorio be shown mercy by the governor;¹²¹ or in its finding that the city lots of John Sutter and six other party plaintiffs had indeed been trespassed upon, but only to the extent of \$1 in damages,¹²² or in its lack of sympathy with Charles Raymond

who told how Gideon Young had come on his land in Humboldt County, felled a great number of trees, converted the same into cord wood, and carried the same away. (The jurors—who one almost suspects were themselves hewers of wood—found the defendant not guilty.)¹²³

A juror's attitude concerning capital punishment (an element that was to be an issue before the United States Supreme Court in 1968 in the landmark case of *Witherspoon v. Illinois*) came under examination in the Sacramento court of sessions in 1851.¹²⁴ The district attorney questioned a prospective juror, Henry Merrit.

Question. Have you any conscientious opinions which would preclude you from bringing in a verdict of 'guilty' when the penalty may be death?

Answer. I have.

Court—Question: Could you bring in a verdict of death where the crime charged is less than murder?

Answer. I could not.

The court thereupon declared the examinee to be incompetent. The defendant's counsel excepted, but in 1851 there was no overturning the judgment on that point.

Judgments in civil cases usually took the form of pecuniary damages in compensation for the injury suffered, with interest and costs. It was in the satisfaction or execution of judgments, that is the attempt to put judgments into effect, that the moderating California conditions were most evident. A writ of execution might direct the sheriff or constable to levy upon (seize and sell) enough of the defendant's property to satisfy the judgment. For example, in *Harmon & Chatfield v. Sears*, heard in Sacramento court of first instance in September, 1849, the sheriff levied on one gray horse, one dun horse, and two mules which he sold for \$221.¹²⁵ In *Sutter et al. v. Chapman* the levy and sale of the defendant's property brought only \$6.51 against the \$69 damages and cost awarded.¹²⁶ When the sheriff levied on defendant John Madden in Sacramento on August 13, 1850, he apparently took over a portion of the squatter faction's arsenal, for among the items seized were five shotguns, five smooth-bore rifles, a five-shooting pistol, a pair of pocket pistols, a powder flask, a sword, and a large bell.¹²⁷ A judgment for Brannan & Co. against Charles E. Pickett (later Philosopher Pickett) for \$1,472 in Sacramento in October, 1850, saw the sheriff levy on Pickett's interest in a lot on J Street and the house thereon known as the City Shoe Store, with Peter H. Burnett taking the property on a \$3,100 bid.¹²⁸

In Sonoma County in 1854, on a writ of attachment on a \$1,551 judgment, the sheriff seized from the defendants eight yoke of oxen, eight yokes and chains, two sorrel horses, one Spanish saddle, one wagon, one American milch cow and calf, two American heifers, two plows, four hoes, 140 acres of potatoes growing in the field, one sail cloth, and one bale of gunnybags.¹²⁹ Subsequently, "by verdict of a jury," the potatoes were released to the defendants, as was, by order of the plaintiff, a red heifer. The sale of the remaining property on a writ of execution brought the return of the attachment satisfied.

Sometimes, however, the writ was returned unexecuted, with the sheriff's notation "no goods nor chattels to be found" or "Nulla Bona"—no goods.¹³⁰ The

sheriff in an alcalde's case at Mormon Island in April, 1850, stated, "I have searched diligently for property both real and personal of the within named defendant and have found nothing to satisfy in whole or in part the within execution."¹³¹ Occasionally more than one execution writ would be required, as in the Sacramento case of *Stephens v. Torney* in November, 1849, where the sheriff returned the writ "for want of time to sell and ask an alias [or second] execution in this case."¹³² In the Madden case cited above, the first and second writs proved ineffective and a pluries, or third, writ had to be issued.¹³³ *Walker v. McGuire* in Sacramento in November, 1849, required the issuance of a pluries alias, or fourth, writ.¹³⁴ And the Sacramento case of *Bailey v. Torney* required the issuance of a pluries alias alias, or fifth, writ before the plaintiff received as much as half of his \$6,000 judgment, that finally coming through the sheriff's sale, in April, 1850, of the defendant's interest in an "undivided one half of the 'Sutter House' at Sutter Fort."¹³⁵

On the frontier, judgments, or sentences, pronounced after conviction in criminal cases were conditioned by the availability of jails and by the economic feasibility of maintaining such facilities. Sentences of a definitely punitive, yet relatively moderate, character were being pronounced by the Sacramento courts in 1850: for assault with a deadly weapon, the defendant to "receive on his bear back twelve lashes, well laid on, in default of permanently departing from the vicinity of his present residence within twenty four hours";¹³⁶ for riot and assault in connection with a drunken brawl on Front Street, two men fined \$20 each, two women fined \$5 each;¹³⁷ for petit larceny involving theft of a dozen bottles of wine from the schooner *Arthur*, the defendant fined \$100 and sentenced to fifteen days in the Sacramento County "gaol," and "if said fine is not paid at the expiration of said fifteen days that he be imprisoned in the said gaol fifteen days longer";¹³⁸ for grand larceny for stealing gold dust, money, and a watch, the defendant sentenced to "two years of hard labour in chains under the direction, supervision, & superintendence & for the benefit of the Mayor & Common Council of Sacramento City."¹³⁹

In 1851, increasing lawlessness in California society moved the legislature to toughen the "Act concerning Crimes and Punishments."¹⁴⁰ Juries were now empowered to impose sentences of death, as well as imprisonment, on a conviction of robbery or grand larceny, and to impose sentences of lashes on the bare back not exceeding fifty, as well as imprisonment in the county jail or a fine, on a conviction of petit larceny. "This severe punishment," said Governor Burnett in calling on the legislature to enact the revision into law, "I would not recommend as a permanent one, to be continued when the State shall have her county prisons, and her penitentiary."¹⁴¹ Frontier conditions thus forced California, as in an earlier age, to penalize crimes against property with the extreme penalty formerly reserved for unlawful homicide.

It was under this law that three of the four defendants in the Sacramento robbery case of July, 1851 (described later in this report), were hanged for robbing their victim of \$200 worth of gold dust.¹⁴² Another much publicized case under the 1851 law, *People v. George Tanner*, was tried in the Yuba County court of sessions in April, 1852.¹⁴³ Convicted of stealing \$400 worth of flour, potatoes, and other items from Lowe and Brothers' storeroom, Tanner was sentenced to

death. The case was appealed to both the Yuba County district court and the state supreme court on the grounds that the lower court had erred in dismissing a juror who, when asked if he had any conscientious scruples against the infliction of capital punishment, replied that "he would hang a man found guilty of murder but that he would not hang a man for stealing." The appellate courts, however, upheld the trial court's ruling and affirmed the death penalty for Tanner. Chief Justice Hugh C. Murray's opinion contained the *obiter dictum*: "It is not our purpose to discuss the policy of this law, although we regret that our Legislature has considered it necessary to thus retrograde, and, in the face of the experience and wisdom of the present day, resort to a punishment, for lesser crimes than murder, which is alike disgusting and abhorrent to the common sense of every enlightened people."¹⁴⁴ Apparently California juries were in agreement with the chief justice's thinking, for only rarely did they impose the supreme penalty for robbery or grand larceny during the five years the 1851 law remained in force.¹⁴⁵

For study of the many important social functions of the law, county court records provide an abundance of evidence.¹⁴⁶ Pioneer California society was a litigious society; the lawsuit was a ready instrument for regulating day-to-day affairs.¹⁴⁷ The law's orderly procedures provided protection for the expectations of contracts and a convenient means for the resolution of controversy in relation thereto, and, thus, the law promoted stability in economic transactions and immeasurably aided economic growth. Prior to the time when society relied primarily on government to license, regulate, and police the market place, the private lawsuit often served that end.

The function of the law in promoting settlement of disputes short of full litigation is fully evidenced in the court files. The minutes of the Sacramento district court in 1850 often contain the word "Cognovit," meaning that the defendant had filed a written confession authorizing the plaintiff to have judgment and execution in the case.¹⁴⁸ "Please to take notice that the defendants hereby offer to let judgment be entered against them," reads the successful offer of compromise in a Humboldt County case in 1854.¹⁴⁹ "I hereby authorize the Clerk of the County Court to enter Judgment in the above cause as confessed for the amount of the debt & costs, . . ." reads another case in Humboldt the next year.¹⁵⁰ A suit on a promissory note in the Sonoma County district court in 1854 was terminated by the plaintiff's instruction: "The clerk will please enter a dismissal of the above entitled cause."¹⁵¹ Sarah Robinson's suit on Isaac Davis's \$550 promissory note in the Humboldt district court in 1855 ended in a two-word notation: "Settled, Discontinued."¹⁵²

The records of the Sacramento district court contain the files of 9,713 cases that were litigated to judgment in the period 1850-79. On the other hand, some 7,000 cases were settled or disposed of short of judgment. The ratio between partial and full litigation in the Sacramento district court was thus not far from 1:1.¹⁵³

A second method of settling disputes through judicial action was arbitration, a procedure in which parties usually agreed that the terms of the award should be made a decree of the local court. For example, in March, 1850, a board of three arbitrators settled Jonathan Williams' suit against Captain Sandford of

the barque *John Walls, Jr.* by formulating an eight-point award which, in accordance with the prior agreement of the principals, became enforceable as a decree of the Sacramento court of first instance.¹⁵⁴ "By consent of the parties by their attys," reads the Sacramento district court's minutes for February 6, 1851, for *Benedict v. Barstow et al.*, "this cause is submitted to J H Ralston & H Smith Esqrs. as referees, who will act and report to this court."¹⁵⁵ The said referees heard the argument of counsel and then reported in favor of the plaintiff, which finding was made the judgment of the court. The arbitrators' decision in a controversy between Charles Bishop and James Whitcomb in Sacramento County in 1862—"we award to Charles Bishop all the Lumber that has been remooved before the above date and all that is now on the premises in disput both of lumber and posts to James Whitcomb."—was made a part of the records of the justice court of Franklin Township.¹⁵⁶

In unsettled California society the law acted as a pacifying and stabilizing influence, a convenient vent for complaint and protest, and an agency with a built-in procedural capacity to absorb the passions of the moment. The law provided a delaying mechanism against sudden confrontation which ultimately gave more reasoned and less impulsive thoughts a chance to prevail. For example, requiring personal bonds was an effective means of moderating tensions and combatting destructive or injurious conduct. When Margaret Kleese declared before a Sacramento justice of the peace in May, 1850, that her husband "hath uttered threats of personal violence, thereby placing said deponent in great bodily fear," the justice ordered Kleese into court and bound him to the state for twelve months in the sum of \$500, on the condition that he "keep the peace towards all the citizens of the State of California."¹⁵⁷ On the morning of February 22, 1851, the Sacramento justice was informed of H. C. Ross's announcement that he was going to fight a duel with Louis Le Clair at three o'clock that afternoon. Ross was brought into court forthwith and placed under a \$1,000 bond to keep the peace and "in no case break the same as towards Louis Le Clair."¹⁵⁸ That three sureties were also bound by the bond added weight to the injunction imposed on Ross. The Kleese and Ross cases are examples of that particular common judicial action which required the giving of personal bonds.

Sometimes, however, the apparatus of the law was rudely thrust aside by certain lay groups, impatient with the slowness of procedural due process and with the obvious weaknesses operative in the administration and enforcement of the law, who boldly assumed for themselves full responsibility for trial of defendants and undelayed execution of the resulting judgments.¹⁵⁹

Court records throw light on the circumstances behind popular "law and order" movements. An exasperating gulf often existed between the detailed statutory design and the actual performance of the system of law enforcement. In October, 1850, a distressed Stockton resident wrote to a correspondent in the East, "Society in the neighborhood of Stockton & Sacramento City have, since the Laws have been established over the country, degenerated very much. . . . That security which was given to the people through the fear of Lynch law has entirely disappeared."¹⁶⁰ Certainly the Stockton resident's belief was widely held. Efficient enforcement of the law in gold rush California was made difficult by conditions including mobility of population, imperfect publication of laws,

uncertainties as to geographic jurisdictions of courts, crowded and congested dockets, the high cost of litigation, and inadequacies or absence of jails.¹⁶¹

Publication of laws was no small problem in the first years of California statehood. Governor Burnett began to sign bills into law in January, 1850, and continued to do so until the legislature adjourned in April.¹⁶² To facilitate knowledge of the new statutes, the legislature provided in March that the secretary of state should publish the laws in pamphlet form until they could be printed in bound volumes; a month later the state printer received instructions to print 1,050 copies of the statutes in English and 350 copies in Spanish.¹⁶³ In May the governor wrote to the newly elected local officials of Santa Barbara, assuring them that copies of the laws would be sent to them as soon as possible but pointing out that "the high price of labor and scarcity of material have rendered printing in this country very tedious."¹⁶⁴ Hence, the author of a letter to the governor from Napa City on June 5, 1850, incidentally reported that he had looked over "a copy of reported Bills and enactments of the legislature of Cal (by the by I believe the only copy in the County)."¹⁶⁵ When the local justice, in November, 1851, fined several residents of Santa Clara County \$50 each for selling spirituous liquors without a license, they petitioned the governor to remit the penalty, "owing to the fact of no laws being published."¹⁶⁶

Law treatises, reports, and other legal reference works were in short supply in California in the early years. Among the books furnished Brigadier General Bennett Riley upon his departure for California in the fall of 1848 to assume the civil governorship were Blackstone's *Commentaries* (2 v.), Kent's *Commentaries* (4 v.), and Wheaton's *Elements of International Law* (1 v.).¹⁶⁷ A well-chosen, apparently somewhat exceptional eighteen-volume law library that two gold rush attorneys brought across the plains is itemized in the Sacramento case of *Papy & Jones v. Wilson* which was tried in November, 1849: Kaufman's *Mackeldey on Modern Civil Law*, Greenleaf's *Evidence* (2 v.), Chitty's *Criminal Law* (3 v.), Chitty's *Pleadings* (2 v.), Chitty's *Bills*, Chitty's *Contracts*, Story's *Commentaries*, Story's *Equity*, Starkie's *Libel*, Sugden's *Vendors* (2 v.), McKinley & Liscun's *Law Library* (2 v.), and Tayler's *Law Glossary*.¹⁶⁸

Jurisdictional problems, too, contributed to the difficulties of law enforcement. When the deputy sheriff of the Sacramento district traveled to Auburn in March, 1850, to execute a \$5,541 judgment against the proprietor of the "log store house," an armed crowd prevented him from levying on the defendant's property.¹⁶⁹ The resourceful deputy summoned a "jury of consultation" of twenty-one citizens to determine the course he should follow, but the jury found "that the sheriff has not sufficient force to proceed in this community in this Case without too much endangering the lives of Citizens." Moreover, the local alcalde informed the deputy in no uncertain terms that the Sacramento court lacked jurisdiction in that vicinity. In a fine display of provincial independence, the Auburn alcalde declared that "he acknowledged no higher authority in Califor-

OPPOSITE

In a common civil case procedure the "lands and tenements, goods, chattels, moneys, credits and effects" of Ormsby, Harper & Co. were attached (top) to secure the sum of \$1,000 with interest and costs of suit. A month later the partners were summoned (middle) to appear before district court, and the following month a witness was subpoenaed (bottom) to testify on the trial of the cause.

WRIT OF ATTACHMENT.

SACRAMENTO COUNTY, SCT.

THE PEOPLE OF THE STATE OF CALIFORNIA:

To the Sheriff of said County, GREETING:

We command you to attach *John S. Oursky, William M. Oursky and John H. Harper doing business under the name of Oursky, Harper & Co.* by all and singular *their* lands and tenements, goods, chattels, moneys, credits and effects, or so much thereof as shall be sufficient to secure the sum of *One thousand* dollars and *with interest and costs of suit, in whosoever hands or possession the same may be found* in your bailiwick. And that you summon the said *John S. Oursky, William M. Oursky and John H. Harper doing business under the name of Oursky, Harper & Co.*

SUMMON.

STATE OF CALIFORNIA, }
SACRAMENTO COUNTY, } ss.

THE PEOPLE OF THE STATE OF CALIFORNIA:

To the Sheriff of said County, GREETING:

We command you to summon *John S. Oursky, William M. Oursky, John H. Harper late partners trading and transacting business under the commercial name of Style of Oursky, Harper & Co.* to be and appear before the District Court, in and for said County, on the first day of the next term, thereof to be begun and holden at the Court House, in Sacramento City, on the *First* Monday of *July* next, ~~and~~ and there to answer unto *the complaint of* *Presley Dunlap* within ten days from

SUBPEONA.

STATE OF CALIFORNIA, }
SACRAMENTO COUNTY, } ss.

THE PEOPLE OF THE STATE OF CALIFORNIA:

T. *J. C. Hastings*

You are hereby commanded that all excuses and delays being set aside, you personally ~~appear before the District Court, in and for said County, on the~~ *first* day of the next term, thereof to be begun and holden at the Court House, in Sacramento City, on the *Monday of* *July* next, to testify on the trial of a cause wherein *Presley Dunlap* plaintiff and *John S. Oursky, William M. Oursky and John H. Harper* defendant do on the part of the

Hereof fail not at your peril.

Witness, PRESLEY DUNLAP, Clerk of the District Court, for said County, with the seal of said Court hereunto affixed, at Sacramento City, *July* the *18th* A. D. 1850.

nia than his own within his particular Jurisdiction.”¹⁷⁰ The deputy sheriff was compelled to return the writ of levy to the Sacramento court unexecuted.

Over-crowded dockets reflected the pace and clamor of the life of the times. In stating his policies to the state supreme court in March, 1850, Judge William B. Almond of the San Francisco court of first instance, a man notorious for the abruptness and haste with which he dispatched the business of his court, touched on the realities confronting the administration of justice in 1849-50:

When men with clear titles to land can obtain redress against intruders without a shadow of title, promptly, they respect and love the administration of justice; but when they are delayed & frustrated in the assertion of their honest rights, they are sometimes induced to take the matter in their own hands and disregard Law and order. The above considerations in this community induces me to try to administer relief to the injured as speedily as possible.¹⁷¹

In January, 1853, the citizens of Columbia urgently petitioned the legislature for an additional justice of the peace, declaring that the docket of the existing justice was “so constantly crowded that litigants are compelled to delay the adjustment of their suits for a long time at great expense & inconvenience.”¹⁷² Understandably, heavy work loads drove a number of judges from the bench. “The inadequacy of the Salary & the enormous increase of business in my official Duties render it necessary to my pecuniary interest to resign the office of county judge in & for this county,” stated the Shasta County judge in 1852 in his letter of resignation to the governor.¹⁷³

In California the fees of the clerk of the court, sheriff, justice of the peace, witnesses, jurors, and others were regulated by the legislature.¹⁷⁴ The costs of a lawsuit (attorney’s fees excluded) were recoverable by the successful party from the losing party. Typical costs are seen in the 1854 case of *Brockman v. Combs* in the seventh district court of Sonoma County (a suit for \$1,050 damages for the conversion of thirty-five head of Spanish cattle): for all proceedings previous to issue, \$20; for trial of issue of fact, \$30; for proceedings subsequent to trial, \$10; clerk’s fees, \$16.60; jurors’ fees, \$11; other fees, \$25.85; total costs, to which the plaintiff of the case was entitled, \$113.45.¹⁷⁵ The “heavy burthen” of criminal costs was spelled out by the Los Angeles County court of sessions in 1851 in its appeal to the legislature for a reduction of the costs in criminal cases.¹⁷⁶ The Bar of Sacramento, in petitioning the legislature in 1855 for a reduction of court fees, stated that “at the present exorbitant rates, they frequently operate a denial of Justice.”¹⁷⁷

Under an act of March, 1850, the court of sessions of each county was charged with causing a county jail to be erected for the safekeeping of prisoners, to be managed by the county sheriff.¹⁷⁸ Sacramento County met the requirement by converting a ship into a prison brig, but the Sacramento County grand jury, in its report in January, 1851, censured the keeper of the brig for an inexcusably loose watch of the prisoners, noting that “few fail to escape who try.”¹⁷⁹ The grand jury in August, 1856, counted twenty-three prisoners in the Sacramento city prison, “16 of which compose the Chain Gang who are employed in repairing the streets & 6 are employed at the Artesian well and 1 we found in close confinement.” The prison brig at the same time held twenty-nine prisoners.¹⁸⁰ From Napa County in 1851 came an appeal to the legislature that the state bear

a share of the costs of *People v. McCauley*, a celebrated murder case, on the ground "that the expense of the detention of the Prisoner is increased in amount in consequence of the want of some secure place of confinement."¹⁸¹ An associate justice of the Yuba County court of sessions testified in March, 1851, that District Court Judge William R. Turner's absence from Yuba County since the first of the year had worked a great hardship "from the fact that our county jail is at this time and has been for a month past filled with prisoners awaiting their trial before the district court. And the expense of keeping prisoners is very exorbitant and ruinous to the finances of the county."¹⁸² The expense of detaining prisoners could not help but influence the character of the sentences pronounced.

For a time in 1850 the squatter faction of Sacramento was in open defiance of the local courts. Doubt and hostility toward the legality of Sutter's land title and the cherished American habit of free and easy appropriation of unoccupied land had collided with the interests of land speculators and other property owners whose right of possession was traceable to Sutter's grant.¹⁸³ In November, 1849, Zerrak W. Chapman, a squatter who lost an ejectment suit, had "entirely refused" to obey a writ to put the plaintiffs in possession of the disputed premises, and the sheriff had had to summon a *posse comitatus* to remove him.¹⁸⁴ In December a building that Dr. Charles Robinson (later, the first governor of the state of Kansas) and other squatters were putting up on the city embarcadero had been torn down by the city marshal on the grounds of abatement of a nuisance. John A. Sutter, Henry A. Schoolcraft, Samuel Brannan, and Thomas A. Warbuss, of the vested interests, had complained to the city attorney that the building was doing them great damage, "inasmuch as it obstructs our way, injures the sale or lease of our property and in a great measure shuts us out from public view."¹⁸⁵ Countering with a suit for recovery of \$3,000 damages, Robinson challenged the legality of the city council's order that the city marshal had carried out, but the jury found against him.¹⁸⁶

The squatter conflict reached its climax in August, 1850, when the county court ordered John Madden, an alleged squatter charged with unlawful detainer, to pay damages of \$1,200 and restore to the plaintiff the city lot he was then occupying.¹⁸⁷ The action had begun in the Sacramento recorder's court in the previous May where Madden's plea that the court lacked jurisdiction had been overruled.¹⁸⁸ Madden likewise had unsuccessfully sought from the appellate county court a non-suit on jurisdictional grounds. Most frustrating of all, the county court had overruled his motion for an appeal to the supreme court and seemingly ended all further hope of redress.¹⁸⁹ The squatter faction, led by Charles Robinson, thereupon issued a proclamation defiantly asserting that in the future it would "disregard all decisions of our courts in land cases, and all summonses or executions by the Sheriff, Constable, or other officer of the present courts or city, touching this matter."¹⁹⁰ The legality of the legislature had not been recognized by Congress, the proclamation declared; the legislature's rules and regulations were of no binding force upon the citizens of the United States; the settlers and others who were friends of "justice and humanity" would refuse to honor the "unconstitutional" California law relating to forcible entry and detainer. "Higher law" had been called into play.¹⁹¹

On August 14, four days after the county court had pronounced judgment in

the Madden case, a confrontation between squatters and city officials resulted in the death of several people, and the city was placed under martial law.¹⁹² Significantly, the turn to extreme violence cost the extralegal movement its popular support, and the squatter element soon faded from the scene. Madden, however, was not finished. His personal petition to the state supreme court brought a review of the lower court proceedings and ultimately a high court opinion, in December, 1852, holding that neither the recorder's court nor the county court, in fact, had had jurisdiction of the ejection suit and that a writ of restitution should issue to restore the disputed parcel of land to Madden.¹⁹³ On that point, the stand of the defiant "lawless" squatters had been judged legally correct, the view of lower proper tribunals legally in error!

The precarious balance that sometimes existed between the power of the court and the power of the mob was again demonstrated in Sacramento a year later. On July 9, 1851, four men assaulted a visiting rancher in the streets of Sacramento and robbed him of \$200 worth of gold dust.¹⁹⁴ Particularly shocking was the fact that the incident had occurred in broad daylight. Indicted by the grand jury, the accused were brought into the court of sessions and, upon a plea of not guilty, were granted the two-day postponement allowed by the law for the preparation of their defense. The court minutes then record that "a large assembly of persons . . . congregated in front of the Station House where the said defendants were confined & threatened that unless the trial of said Defendants should proceed this day in said Court that they would take said defendants from said prison & hang them."¹⁹⁵ A committee of the mob waited upon the defendants' counsel to ascertain whether they would waive the right of delay. In order to avoid the precipitate hanging of the defendants, "whether guilty or innocent," counsel reluctantly agreed to the demand, although, as they stated, they were "entirely unprepared for trial."¹⁹⁶ The defendants likewise waived their right and consented to an immediate trial. The pressure of the mob had succeeded in impairing both the form and the substance of due process of law. Once the trial was under way, however, the judge regained procedural control by trying each defendant separately, over a period of a week's time.¹⁹⁷ Conviction of the crime of robbery brought sentences of death to three of the defendants and ten years in the state penitentiary to the fourth.¹⁹⁸ But when Governor John McDougall ordered a month's delay in the execution of the sentence of one of the defendants, mob rule returned. In defiance of the governor's order, the mob took the reprieved man from the authorities and hanged him with his fellow defendants.¹⁹⁹

Through all the clamor and turbulence, even in the most chaotic and disordered times, the enormous restraining influence of the courts was nonetheless evident. The Sacramento squatters had carefully confined their short-lived defiance of the judiciary to land matters alone. In the case of the four Sacramento robbers, the mob, though it later defied the governor, had been satisfied with but a token gesture of compliance on the part of the court. The remarkable fact remains that a single agent of the law, armed with a judge's writ, was usually more than a match for the hostile forces.

The social function of the law in calling secular powers to account and in requiring possessors of power to exercise a degree of responsibility toward the

public interest has been touched on in the cases above dealing with the railroads. The constitutional ideal that the law should hold public power responsible and subject to external review was observed in *People v. Lusk*, an examination of which was made in the Sacramento recorder's court in 1851.²⁰⁰ George C. Lusk, a Sacramento city policeman, had attempted to quiet a boisterous crowd late one night on Second Street, and he shot and wounded Dr. George W. Williams, a Sacramento physician. The district attorney brought a complaint charging Officer Lusk with assault with intent to commit murder. For two days Recorder W. H. McGrew listened to a parade of witnesses and then ordered the defendant to be held to answer the complaint. The grand jury, however, dismissed the charge, apparently believing Lusk's testimony that the doctor had drawn a pistol and that Lusk had acted in self-defense. It is worthy of emphasis, however, that pioneer California's legal machinery looked closely into a peace officer's conduct.

As for the issue of continuity *versus* innovation and diversity in culture's trek from settled to newly-entered regions of the American West, all the forms and functions of the California county courts cast a resounding vote on the side of continuity. California's court of sessions, for example, was a carry-over from the courts of quarter sessions of England and, later, New England.²⁰¹ Judge Wyman of Humboldt, in expounding on "trespass quare clausum fregit," voiced the language of fifteenth century English courts, as did the complaint filed in Marin County in 1855 that the defendant's cattle and sheep and horses had "broken into the close of said plaintiff."²⁰² When Anna Wilson brought an action for unlawful entry and detainer in the justice court of Eel River Township in 1858 and claimed lawful title to "that certain messuage or dwelling house," we have an echo of Glanvill's *Treatise on the Laws and Customs of the Realm of England* written in 1189 A.D.²⁰³ The massive continuity of the common law is indeed impressive. Judges Wyman, Heustis, and McKinstry were in truth but territorial representatives of the great legal interpreters Blackstone, Kent, and Story. Presiding on the banks of the Sacramento, holding forth on Humboldt Bay, and dispensing the law throughout the broad expanse of California was a corps of effective spokesmen for a host of great jurists, lawyers, and law writers of many generations and centuries past.

All these things, and infinitely more, the county court records affirm.

NOTES

84. Julius Goebel, Jr., "Law Enforcement in Colonial New York: An Introduction," in David H. Flaherty, ed., *Essays in the History of Early American Law*, 384 (Chapel Hill, N. C., 1969). This essay originally appeared in Julius Goebel, Jr., and T. Raymond Naughton, *Law Enforcement in Colonial New York: A Study in Criminal Procedure (1664-1776)*, xvii-xxxvi (New York, 1944).

85. "The misuse of legal terms is no small distemper which the physic of the dictionary will soon make right, for it casts an informed and critical reader into a mood of doubting the validity of any conclusions that may be offered on any points of law and practice." Goebel, *ibid.*, 385.

86. For the primary characteristics of the language of the law, see David Mellinkoff, *The Language of the Law*, 11-23 (Boston, 1963). "Nothing serves better to mark the gulf between the language of the law and the common speech," writes Mellinkoff, "than a listing of common words that mean one thing to the eye or ear of the non-lawyer, and may mean something

completely different to the lawyer." Frederick Bernays Wiener, *Uses and Abuses of Legal History: A Practitioner's View*, 8n. (Selden Society Lecture, London, 1962), appends Associate Justice Robert H. Jackson's itemization in *D'Oench, Duhme & Co. v. Federal Deposit Insur. Corp.* (1942), 315 U.S. 471, of words and phrases which the constitution borrowed from the common law and which are "meaningless without that background, and obviously meant to carry their common-law implications." Moreover, as Elisha O. Crosby, chairman of the state senate committee on the judiciary, knowingly observed in 1850: "In truth, all the provisions of constitutions, and statutes, and codes, are but pebbles on the sea-shore—the vast ocean of legal science lies beyond." "Report of Mr. Crosby on Civil and Common Law," *Journal of the Senate, 1849-50* (San Jose, 1850), Appendix, O, 463.

87. "He [Maitland, 1850-1906] was both a consummate lawyer and a consummate historian. Because he was a consummate lawyer he was initiated into that professional tradition, an acquaintance with which is a condition precedent to the writing of effective legal history; for, as he said, 'a thorough training in modern law is almost indispensable for any one who wishes to do good work on legal history.'" W. S. Holdsworth, *The Historians of Anglo-American Law*, 7 (New York, 1928). In Maitland's inaugural lecture as Downing Professor of the Laws of England at Cambridge in 1888, "Why the History of English Law is not written," he examines the particular qualifications for the legal historian; see T. F. T. Plucknett, "Maitland's View of Law and History," in Plucknett, *Early English Legal Literature*, 1-18 (Cambridge, England, 1958) which also appears in *The Law Quarterly Review* (London), 67: 187-90 (April, 1951); Robert Livingston Schuyler, ed., *Frederic William Maitland, Historian*, 132-44 (Berkeley, 1960).

88. *Cal. Stats.* (1850), 219. The choice before the legislature was between the common law of England and the civil law of Europe, the latter being the law of California at the time the decision for the common law was made. For the prevailing view in favor of the common law, see "Report of Mr. Crosby on Civil and Common Law," Feb. 27, 1850, *Journal of Senate, 1849-50* (San Jose, 1850), Appendix, O, 459-80. John W. Dwinelle and seventeen other members of the San Francisco bar endeavored unsuccessfully to persuade the legislature to adopt the civil law, asserting that "the Common Law of England was based upon and grew out of the feudal system; in which the landed interest has ever prevailed over the interests of commerce, manufacturers and labor; and personal liberty has ever been subject to the restrictions and assaults of prerogative and arbitrary power." Petitions to Legislature, 1850-(6), CSA. General Stephen W. Kearny's "Proclamation to the People of California" on Mar. 1, 1847 declared that "the laws now in existence, and not in conflict with the constitution of the United States, will be continued until changed by competent authority." 31st Cong., 1st sess., *House Ex. Doc.* No. 17 (Washington, D.C., 1850), 288, 289. For a summary of the legislative history of California's adoption of the common law in 1850, see William Henry Ellison, *A Self-Governing Dominion: California, 1849-60*, 68-72 (Berkeley, 1950).

89. *Cal. Stats.* (1850), civil: 428-56, criminal: 275-331; *Cal. Stats.* (1851), civil: 51-153, criminal: 212-90. See William Wirt Blume, "Adoption in California of the Field Code of Civil Procedure: A Chapter in American Legal History," in *Hastings Law Journal*, 17: 701-25 (May, 1966); Ralph N. Kleps, "The Revision and Codification of California Statutes 1849-1953," in *California Law Review*, 42: 766-802 (December, 1954); Rosamond Parma and Elizabeth Armstrong, "The Codes and Statutes of California: A Bibliography," in *Law Library Journal*, 22: 41-56 (April, 1929). The state supreme court established rules for practice in the supreme court, district courts, and superior court for the city of San Francisco in June and July, 1850. *Minutes, Supreme Court*, A, 68-73, 79, 80, 139-55, CSA. Beginning in 1854, the supreme court's rules of practice were published in the *California Reports*, for example: 4: xii-xxv (1854); 6: 751-55 (1857). See Carleton W. Kenyon, "A Guide to Early California Court Organization, Practice Acts and Rules, with the Text of California Supreme Court Rules, 1850-53," in *Law Library Paper No. 21* (California State Library, Sacramento, Aug. 1968), 33 pp.

90. George E. Woodbine, "The Suffolk County Court, 1671-1680," in David H. Flaherty, ed., *Essays in the History of Early American Law*, 193 (Chapel Hill, N. C., 1969). This essay, a review of Samuel E. Morison, ed., *Records of the Suffolk Court, 1671-1680* (Boston, 1933), originally appeared in the *Yale Law Journal*, XLIII: 1036-43 (April, 1934).

91. Since the county courts were appellate to the civil judgments of the justices' courts, the county court case files contain a great amount of material reflecting on the work of the justices of the peace. For a good example of a justice of the peace who carefully observed due process, see the record of M. W. Bamard, *Minutes and Judgments, 1850-1860*, Justice Court, Long Bar Township, Yuba County, California State Library. Attesting to the significant role of the justice of the peace, a petition to the legislature from many citizens of El Dorado County in 1853 stated, "We would respectfully represent that the Justices Courts are far the most important, and are very generally resorted to in the mountain regions." "Remonstrance from Citizens of El Dorado County," Apr. 5, 1853, Petitions to Legislature, 1853-(102), CSA. For statutory and case law on the duties and jurisdiction of the California justices of the peace for the period, see Charles W. Langdon, *Treatise on the Civil and Criminal Jurisdiction of the Justices of the Peace* (San Francisco, 1870).

92. *Valentine et al. v. Stewart et al.*, 7th District Court, Sonoma County, Old Ser., No. 895-(222-28, 263-75). Judge Elisha W. McKinstry presided over the 7th district court (Marin, Sonoma, Napa, Solano, Mendocino, Contra Costa Counties) from 1852 to 1862 and served as an associate justice of the state supreme court from 1873 to 1888. He was a member of the state assembly from the Sacramento district in 1849-50. For a selection of district court opinions for the years 1854-58, see Henry J. Labatt, comp., *Reports of Cases Determined in the District Courts of the State of California*, 2v. (San Francisco, 1858, 1859).

93. "Opinion," Dec. 30, 1858, *Valentine et al. v. Stewart et al.*, 7th District Court, Old Ser., No. 895-(264, 265).

94. 15 *Cal. Repts.* 387-406; Supreme Court, No. 2321 (8682), CSA; *Opinions*, Supreme Court, F, 387-95, 530, 531, CSA.

95. The quotation is from the editorial, "The Press a Nuisance," published in the San Francisco *Herald* of March 4, 1851, which caused Judge Parsons to cite editor William Walker for contempt. The editorial is entered in the "Transcript of Record," 4th District Court, San Francisco County, in "Proceedings in the Impeachment of Levi Parsons, Judge of the 4th Judicial District . . . before the Committee of the Assembly," Legislative Papers, LP1:1213, CSA.

96. "The Opinion of the Court," Mar. 8, 1851, 4th District Court, San Francisco County, in "Transcript of Record," *op. cit.*, LP 1:1213, CSA. Lord Mansfield's words are from *Rex v. Wilkes* (1770), 4 Burrow (Dublin, 1778), 2562; they are quoted in R. E. Megarry, *Miscellany-at-Law: A Diversion for Lawyers and Others*, 3 (London, 1955). William Walker memorialized the state assembly to impeach Judge Parsons. After a considerable investigation, the assembly, by a vote of 17 to 12, adopted the "Report of the Select Committee" which recommended dismissal of the charges. *Journals of the Legislature*, 1851 (n.p., 1851), 1374, 1507-16, 1548-54, 1646; 1 *Cal. Repts.* 539-55. In resigning his judgeship in October, 1851, Parsons reminded the governor that he had expressed his intention to resign some eight months earlier, "but circumstances occurred . . . which in my opinion made it specially incumbent upon all in authority, who had the welfare of our State and the security of her Institutions at heart to stand to their posts." Now that reason and tranquillity seemed to have "partially at least resumed their sway," he was stepping down. Parsons to Gov. McDougall, dated San Francisco, Oct. 2, 1851, Secretary of State, Resignations, 1851, Dr. 824, CSA.

In *People v. Thom*
an eleven-year-old
witness testified that
he saw Mr. Thom
fire a Colt revolver at
a Mr. Fisher outside
the farmer's house.

Mr. E. Emery - being sworn says - I live on the
corner of 3rd & 4th I am 11 years of age. I have
no business but go to school. I saw the Rev.
died. It was on the corner of 3rd & 4th
at a Mr. Fisher's house, on Sunday. Mr. Thom
fired it, at Mr. Fisher. It was a Colt Re-
volver. I saw it.
Wm E Emery

97. "Affidavit of Stephen J. Field," June 17, 1850, *People Ex. Rel. Field v. Judge of the 8th Judicial District*, Supreme Court, No. 96 (40). Field was an associate justice of the state supreme court from 1857 to 1859 and chief justice from 1859 to 1863; he was an associate justice of the United States Supreme Court from 1863 to 1897. The Turner-Field controversy is described in Stephen J. Field, *California Alcalde*, 35-43, 51-56, 86-88, 155-65 (Oakland, 1950); Oscar T. Shuck, *Bench and Bar in California: History, Anecdotes, Reminiscences*, 150-53 (San Francisco, 1889); and Carl Brent Swisher, *Stephen J. Field: Craftsman of the Law*, 37-51 (Washington, D.C., 1930).

98. *Minute Book*, Supreme Court, A, 123, 174, 247, CSA. In a letter published in the *Sacramento Placer Times* on July 27, 1850, Field and the other disbarred attorneys charged that Turner was grossly incompetent to discharge the duties of his office and was guilty of gross oppression and tyranny in office, gross indecency in language and conduct, and gross immorality. "Answer of Field to order to show cause," Oct. 26, 1850, *People Ex. Rel. Field v. Judge of the 8th Judicial District*, Supreme Court, No. 96 (40). In October, 1850, Field appeared in Judge Turner's court to show cause why his name should not be stricken from the attorneys' roll and began to read a statement critical of the judge. A witness later testified that when the judge cut him off, "Judge Field replied in a theatrical manner, 'What did you say, sir, thank you sir,' at the same time bowing backwards and forwards until he reached the door." "Testimony of W. H. Richardson," Apr. 9, 1851, in "Papers of Select Committee of Assembly on the matter of impeachment of Hon. William R. Turner," Legislative Papers, LP 1:1240, CSA.

99. The assembly committee collected a good deal of testimony on Judge William R. Turner's conduct, including depositions by County Judge H. P. Haun, Stephen Field, several other Yuba County attorneys, and various supporters and opponents of the judge. This testimony, together with the petitions from Yuba County, is filed in "Papers of Select Committee of Assembly on the matter of impeachment of Hon. William R. Turner," Legislative Papers, LP 1:1217-41, CSA. A petition from the members of the Bar of Nevada City asserted that Turner was "totally unfit" for the office of district judge. LP 1:1222. Concerning Judge Turner's conduct out of court, Field testified that, "I have seen him week after week almost every night gambling at a Faro Table in the Public gambling saloons of Marysville. I have seen him repeatedly reeling in the streets in a state of intoxication." "Deposition of Stephen J. Field," Mar. 20, 1851, LP 1:1236. H. H. Bancroft, *History of California*, VII: 196 (San Francisco, 1890), incorporates certain of Field's retrospective words in describing Judge Turner as "a southerner from the lone-star state, one who had, together with a narrow mind and bitter prejudices, the bowie-knife manners of that borderland." For Judge Turner's defense, see *Documents in Relation to Charges Preferred by Stephen J. Field and Others, before the House of Assembly of the State of California against William R. Turner, 1851* (San Francisco, 1853), 29 pp., which contains letters, addresses, and statements by Judge Turner and others favorable to the judge. For example, on p. 19 there is a "Letter from members of the Bar, Marysville, Nov. 8, 1850," addressed to the judge by eleven attorneys, which declares, "We do not hesitate to assert that in no Court in the State, will there be found more order and dignity, than in your own. . . ." A second edition of *Documents* was published in San Francisco in 1856.

100. *Journals of the Legislature, 1851* (n.p., 1851), pp. 1374, 1633, 1636-38.

101. *Cal. Stats.* (1851), 12. In 1867 the state assembly again named a "Special Committee on the Impeachment of the Hon. W. R. Turner" to investigate charges of high crimes and misdemeanors. Judge Turner elected this time to resign, and the charges were dropped. *Journal of the Assembly, 1867-8* (Sacramento, 1868), pp. 153, 266, 285, 286.

102. "Opinion & Judgment of the Court," July 16, 1853, *Howard v. West*, County Court-Civil, Humboldt County, No. 2. Born in Massachusetts in 1823, Justus E. Wyman attended college in Gorham, Maine, studied law with Judge Lott Clark in New York where he was admitted to practice, and came to California in 1850. In 1864 he purchased the *Humboldt Times* and moved to Eureka where he lived until his death in 1880. *History of Humboldt County, California*, 176, 177 (San Francisco, 1881). "Judge Wyman did not subdue the forest, nor break up the wild lands, nor drain the swamps, nor build ships or railroads, nor open up mines; but he was a builder, and in a sphere that was essential to the welfare of the county."

Loc. cit. He was county judge from 1853 to 1858 and from 1864 to 1876. *Executive Records*, 1850-75, No. 1058, CSA.

103. "Opinion of the Court," July 22, 1854, *Caldwell v. Eddy & Wicks*, County Court-Civil, Humboldt County, No. 5.

104. *Cal. Stats.* (1856), 133.

105. "Opinion of Court on Demurrer," May 21, 1860, *Ricks v. Duff*, County Court-Civil, Humboldt County, No. 40.

106. Of course some judges were less able and less successful than others. When, for example, James R. Reynolds, judge of first instance of the district of San Joaquin, resigned his office in February, 1850, because of complaints made against him, the local prefect urged the governor to commission as a replacement some suitable person "that is knot afraid of him self." G. D. Dickinson, Prefect of San Joaquin District, to Gov. Burnett, dated Stockton, Feb. 21, 1850, Secretary of State, Resignations, 1850, Dr 824, CSA. Some judges came under criticism for their personal habits and for the company they kept, as seen in a letter to the governor from El Dorado County in November, 1850: "We have . . . a Sheriff, Constable, Justices of the peace and Judges of Elections all Gamblers, and I heard it proclaimed in the streets at a meeting of near 1000 persons that our County Judge was proprietor of a bawdy house in this place." Osborne Russell to Gov. Burnett, dated Placerville, Nov. 13, 1850, Governor's Office, Notary Applications, 1850, El Dorado County, CSA.

107. A curious exception to the common law rule that a gambling debt, lacking consideration, cannot be collected at law was made by Sonoma District Judge Robert Hopkins in 1851 in a case involving \$500 won "at a game called Euchre." "I am of the opinion," said the judge, "that the \$500. claimed by deft. (being won in small sums at different times and not being a large sum, nor won at a banking game) is recoverable." *Gahan v. Neville*, 7th District Court, Sonoma County, Old Ser., No. 655. The supreme court, on the rule that money won at play cannot be recovered at common law, reversed the judgment and rendered judgment for plaintiff-appellant Gahan. 2 *Cal. Repts.* 81, 82. In 1852, John Blake was tried in the 4th district court in San Francisco on a charge of murder and sentenced to death. The trial judge, the district attorney, part of the grand and trial juries, all the county officers, and 14,000 citizens shortly afterward petitioned Gov. Bigler for clemency, whereupon the governor commuted Blake's sentence to two years' imprisonment and then pardoned him outright. District Judge Delos Lake, in stating the grounds for clemency, added, "Besides it is urged and perhaps with some degree of justice that it would be cruel to let this man suffer death, when so many persons of bad character, of more intelligence, & equally if not more criminal have escaped altogether through the misconduct of juries." D. Lake to His Excellency John Bigler, dated San Francisco, Apr. 11, 1855, Governor's Prison Papers, No. 846, CSA. For tales of colorful and eccentric judicial conduct in California during the early mining period, see H. H. Bancroft, *California Inter Pocula*, 582-657 (San Francisco, 1888). Typical of the superficial and limited view that the history of the law in the American West is largely the history of cattle thieves and highwaymen, of lynch law, ignorant justices of the peace, and hanging judges, is Wayne Gard's "The Law of the American West" in Jay Monaghan, ed., *The Book of the American West*, 261-322 (New York, 1963). The "law" is criminal law; civil law is scarcely recognized. An attempt to suggest that the history of law in the American West is more than "'hemp law,' and the heroics of outlaws and rustlers," is made by Carleton W. Kenyon in "Legal Lore of the Wild West: A Bibliographical Essay," in *California Law Review*, 56: 681-700 (May, 1968). Philip D. Jordan, *Frontier Law and Order: Ten Essays* (Lincoln, Neb., 1970), concentrates on "the nature of the law—statutes and ordinances—which the bad man and the evil woman transgressed."

108. A study of the bar of Wayne County (presently in the state of Michigan), of the period in which the county lay beyond or on the frontier, concludes, "Scant if any shreds of the vaunted 'frontier influence' appear in the manner in which the courts of record conducted their business, in the papers prepared by the lawyers, in the law applied, or in the precedents cited." Elizabeth Gaspar Brown, "The Bar on a Frontier: Wayne County, 1796-1836," in *American Journal of Legal History*, 14: 154 (April, 1970). In an incisive examination of "Territorial Courts and Law Unifying Factors in the Development of American

Legal Institutions," in *Michigan Law Rev.* 61: 39-106 (1962); 61: 467-538 (1963), William Wirt Blume and Elizabeth Gaspar Brown find (p. 535) "two general attitudes and resultant influences attributable to frontier life: (1) A strong desire to have all statute law published locally so that reliance on laws not available on the frontier would be unnecessary—codes were welcome; (2) A lack of 'superstitious respect' for old laws and legal institutions; in other words, a readiness to make changes to suit new conditions." Other writings of Professor Blume in the *Michigan Law Review* relevant to this survey include: "Civil Procedure on the American Frontier," 56: 161-224 (December, 1957); "Criminal Procedure on the American Frontier," 57: 195-256 (December, 1958); "Probate and Administration on the American Frontier," 58: 209-46 (December, 1959); "Chancery on the American Frontier," 59: 49-96 (November, 1960); "Circuit Courts and the Nisi Prius System: The Making of an Appellate Court," 38: 289-338 (January, 1940). As regards the records of the supreme court and the general quarter sessions of the peace for the city and county of New York during the colonial period, Julius Goebel Jr., writes, "They reveal that in one outpost of Europe litigation was conducted as skillfully as at York or Bristol, and that the picture of an oafish frontier jurisprudence is a mirage of writers who have never blown the dust from indictment, pleading or judgment roll." Julius Goebel, Jr., "Law Enforcement in Colonial New York: An Introduction," in David H. Flaherty, ed., *Essays in the History of Early American Law*, 377 (Chapel Hill, N. C., 1969).

109. "An Act concerning Attorneys and Counsellors at Law" passed February 19, 1851, *Cal. Stats.* (1851), 48-51, provided that: "(1) Any white male citizen of the age of twenty-one years, of good moral character, and who possesses the necessary qualifications of learning and ability, shall be entitled to admission as Attorney and Counsellor in all the Courts of this State. (2) Every applicant for admission as Attorney and Counsellor shall produce satisfactory testimonials of good moral character, and undergo a strict examination, in open Court, as to his qualifications, by one of the Judges of the Supreme Court of this State." The district and county courts were authorized to follow the same procedure in admitting attorneys to practice in their respective courts. The "white male" qualification was changed to "any citizen" in 1878. *Acts Amendatory of the Codes of California, 1877-8*, 99. Prior to the act of 1851, each court admitted such attorneys as it chose. For example, on its opening day on May 6, 1850, the 6th district court in Sacramento County admitted five attorneys to practice. *Minutes—Civil*, 6th District Court, Sacramento County, A, 1, CSA. A typical recording of admission in the early decades reads: "Now comes B. F. Ankerry, Esqr. and moves that the Court that H. A. Scofield be admitted an Attorney and Counsellor of this Court, and thereupon the Court appoints as a Committee to examine said applicant Messrs. W. H. Weeks, C. Cole and G. W. Bowie, when after due proceedings had, said Committee make their report, and after further examination of said applicant had in open Court, It is ordered by the Court that said H. A. Scofield be admitted as an Attorney and Counsellor of this Court upon his compliance with the Statute in such cases made and provided." *Minutes—Civil*, Feb. 10, 1859, 6th District Court, Sacramento County, I, 7, CSA. In criticizing the defects exhibited in the transcript of a cause heard in 1859, appellant's counsel, Joseph W. Winans, rhetorically declared, "The error, in its scope, extends from title-page to colophon; in its weight is enough to sink a line-of-battle ship. The points already stated are quite sufficient to reverse the judgment, although if they were not, new points could be created, *ad libitum*, from the superabounding imperfections of the record." "Brief of Appellant Brannan," p. 33, *Smith v. Brannan et al.*, Supreme Court, No. 2358 (6058).

110. The form of an information, indictment, complaint, and summons may be examined in the originals of such documents in the case files.

111. *Cal. Stats.* (1850), 428. "There shall be in this State but one form of Civil Action, for the enforcement or protection of private right, and the redress or prevention of private wrongs." *Cal. Stats.* (1851), 51.

112. F. W. Maitland, *The Forms of Action at Common Law*, 2 (Cambridge, England, 1963).

113. The court minute books catalog the actions. See, for example, *Record—First Magistrate*, Aug. 2-Nov. 6, 1849, District of Sacramento, CSA; *Minutes—Civil*, 6th District Court,

Sacramento County, A, B, CSA; *Record Criminal*, 1850-52, Court of Sessions, Sacramento County, CSA.

114. *Bristol v. Potter & Brown*, Court of First Instance, District of Sacramento, Civ. No. 418.

115. *Rolla et al. v. Codlin & Smith* and *Lester et al. v. Codlin*, *Record First Magistrate*, Aug. 2-Nov. 6, 1849, District of Sacramento, 7, CSA.

116. "Every person unlawfully committed, detained, confined, or restrained of his liberty, under any pretence whatever, may prosecute a Writ of Habeas Corpus, to inquire into the cause of such imprisonment or restraint." *Cal. Stats.* (1850), 334. For examples of writs of habeas corpus, see "In the Matter of the Petition of R. R. Roberts for a Writ of Habeas Corpus," Feb. 8, 1854, *Roberts v. Beckwith*, County Court—Civil, Humboldt County, No. 3; "People of the State of California [Ah Fong, Kim Sing, Ah Kow] on Writ of Habeas Corpus," Jan. 13, 1856, 6th District Court, Sacramento County, Misc. "In the Matter of Emily McDonogh. Petition for Habeas Corpus," Apr. 15, 1859, 6th District Court, Sacramento County, Misc.

117. For issuance of a mandamus in July, 1852, against the state controller, the state treasurer, and the governor, see *Wyatt v. Pierce, Roman, & Bigler*, 7th District Court, Sonoma County, Old Ser., No. 848. See also "Peremptory Mandamus," Jan. 29, 1861, *Stowell v. Ellis*, 7th District Court, Sonoma County, Old Ser., No. 213.

118. For writs of injunction, see *Phelps v. Ford & Gibson*, Aug. 27, 1851, 7th District Court, Sonoma County, Old Ser., No. 38; *Muldrow v. Norris*, May 28, 1850, May 21, 1852, 6th District Court, Sacramento County, 1st Ser., No. 474; *Cooper v. Cantrell*, Mar. 7, 1853, 7th District Court, Sonoma County, Old Ser., No. 55.

119. For writs of certiorari, see "Writ of Certiorari to Probate Court," July 18, 1853, *In the Matter of the Agency of Mary Scott, Infant*, 7th District Court, Sonoma County, Old Ser., No. 104; "S. Norris vs The Board of Supervisors of Sacramento Co. Writ of Certiorari & Return," Feb. 7, 1856, *Norris v. Muldrow*, 6th District Court, Sacramento County, 2nd Ser., No. 2559; "Writ of Certiorari," Mar. 29, 1864, *Brown v. Dupee*, County Court—Civil, Humboldt County, No. 79.

120. The first state legislature provided that in both civil and criminal cases the jury should consist of "twelve men accepted and sworn to try the issue." *Cal. Stats.* (1850), 300, 441. The second legislature provided that the parties in both classes of cases could consent to a lesser number of jurors than twelve, but no less than three. *Cal. Stats.* (1851), 75, 247. Thereafter, by agreement of the parties, six-man juries were frequently impanelled. The court's order to the sheriff usually called for him to summon the trial jurors "from the body of the county and not from the bystanders." For an example, see "Order of court to Sheriff G. N. Vischer," Mar. 9, 1857, *Bailey v. Johnson*, Marin County Court, No. 17.

121. "Petition of Jurors to Gov. Bigler," (1852), in "Proceedings in case of Pastorio," Governor's Prison Papers, No. 679, CSA.

122. *Sutter et al. v. Chapman*, (1849), Court of First Instance, District of Sacramento, Civ. No. 213.

123. *Raymond v. Young*, (1857), Justice of the Peace, Eureka Township, in "Transcript of Docket," County Court—Civil, Humboldt County, No. 30.

124. "People v. Thompson, July 17, 1851," in *People v. Carruthers et al.*, July 10, 1851, Court of Sessions, Sacramento County, No. 138.

125. "Sheriff's return, writ of execution," Oct. 13, 1849, *Harman & Chatfield v. Sears*, Court of First Magistrate, District of Sacramento, Civ. No. 23. The language of the writ followed the traditional form; it commanded the sheriff "that of the goods and chattels, lands and tenements of the said John Sears you cause to be made the debt damages and costs aforesaid according to law."

126. "Sheriff's return, writ of execution," Nov. 19, 1849, *Sutter et al. v. Chapman*, Court of First Instance, District of Sacramento, Civ. No. 213.

127. "Sheriff's return, writ of execution," Aug. 13, 1850, *Rogers & Burnett v. Madden*, County Court—Civil, Sacramento County, No. 4.

128. "Sheriff's return, writ of execution," No. 30, 1850, *Brannan et al. v. Pickett*, 6th District Court, Sacramento County, 1st Ser., No. 190.

129. "Sheriff's returns, writs of attachment and execution," July 5, 1854, *Ayer v. Potter & Ayer*, 7th District Court, Sonoma County, Old Ser., No. 45. In *Fitzroy & Fitzroy v. Snow*, a Corte Madera justice case in 1857, the constable levied on the defendant to the extent of "two tame California Cows and two calves. One small greene Boat a plunger known as Geo. F. Snows Boat. One white Sow. Six hens more or less." County Court, Marin County, No. 20.

130. See "Sheriffs returns, writs of execution," Dec. 21, 1853, *Howard v. West*, County Court—Civil, Humboldt County, No. 2; Feb. 5, 1851, *Stewart v. Anderson*, 7th District Court, Sonoma County, Old Series, No. 39; Oct. 30, 1849, *Watson v. Morrison*, *Record—First Magistrate*, Aug. 2-Nov. 6, 1849, District of Sacramento, 77, CSA; May 2, 1850, *Parsons v. Roubidoux*, *ibid.*, 61.

131. "Sheriff's return, writ of execution," Apr. 17, 1850, *Hall v. Tanner*, Alcalde's Court, Natoma District, Sacramento County, CSA.

132. *Stephens v. Torney*, Nov. 2, 1849, Court of First Instance, District of Sacramento, Civ. No. 149.

133. *Rogers & Burnett v. Madden*, Nov. 22, 1850, County Court—Civil, Sacramento County, No. 4.

134. *Walker v. McGuire*, Nov., 1849, *Record—First Magistrate*, Aug. 2-Nov. 6, 1849, District of Sacramento, 74, CSA.

135. "Sheriff's return, writ of execution," Apr. 18, 1850, *Bailey v. Torney*, Court of First Instance, District of Sacramento, Civ. No. 234.

136. *People v. Muldrove*, Feb., 1850, *Court of First Instance—Criminal*, District of Sacramento, 29, CSA.

137. *People v. Godfrey et al.*, July, 1850, Court of Sessions, Sacramento County, No. 9, *Record Criminal*, Court of Sessions, Sacramento County, 10, CSA.

138. *People v. Reed*, July, 1850, Court of Sessions, Sacramento County, No. 10, *Record Criminal*, Court of Sessions, Sacramento County, 4, CSA.

139. *People v. Fleming & others*, Apr., 1850, *Court of First Instance—Criminal*, District of Sacramento, 68, 69, CSA.

140. *Cal. Stats.* (1851), 406, 407.

141. "Annual Message of Governor," Jan. 6, 1851, *Journals of the Legislature*, 1851 (n.p., 1851), 22, 23. The governor told the legislature that, "The State of Tennessee was infested, at an early day, with bands of horse thieves, and she was forced to adopt capital punishment in such cases; and a few years' rigid and prompt execution of the law effectually checked the commission of the crime."

142. *People v. Carruthers et al.*, Court of Sessions, Sacramento County, No. 138.

143. *People v. Tanner*, Court of Sessions, Yuba County, in "Transcript on Appeal," Supreme Court, No. 304 (776).

144. *People v. Tanner*, 10th District Court, Yuba County, in "Transcript on Appeal," Supreme Court, No. 304 (776); "Opinion," Supreme Court, *ibid.*; *Minutes*, Supreme Court, B. 213, 214.

145. The law permitting imposition of the death sentence for robbery and grand larceny was repealed in 1856. *Cal. Stats.* (1856), 220. A bill before the legislature in 1853 to repeal this law brought a petition from San Francisco in vigorous opposition: "Your petitioners are firmly convinced that the present quiet and orderly state of our community owes its existence in a great measure to the passage of the law referred to. . . . In a community like that in our highly favored state, where labor is so amply and so generously rewarded, *necessity* can seldom be the parent of *crime*, and that none but the most hopelessly depraved, for whom the punishment, by mere imprisonment, has little or no terrors, would resort thereto." Significantly, the signers of the petition included many members of the San Francisco Committee of Vigilance of 1851, among whom were S. E. Woodworth, F. Argenti, Wm. D. M. Howard, James King of W. W. L. Bromley, and Bluxom & Co. *Petitions to Legislature*, 1853-(7), CSA. For a list

of death penalty executions under the 1851 law, see Mary Floyd Williams, *History of the San Francisco Committee of Vigilance of 1851: A study of Social Control on the California Frontier in the Days of the Gold Rush*, 155, 156, n. 49 (Berkeley, 1921). Of 487 inmates in San Quentin State Prison in 1855, 312 or almost two-thirds had been sentenced for the crime of grand larceny, 37 for assault with intent to commit murder, 29 for manslaughter, 21 for robbery, 19 for assault with bodily injury, 18 for burglary, 10 for murder, and the remainder for one or another of 11 other criminal acts. "Report of the Directors of the State Prison and Accompanying Documents," *Appendix to Senate Journal*, 1856, p. 47 (n.t.p.).

146. The writer is much indebted to the work of James Willard Hurst of the University of Wisconsin Law School for guidance in the study of the social functions of the law, particularly with respect to his "The Law in United States History," in *Proceedings of the American Philosophical Society*, 104: 518-26 (October, 1960); *Law and Social Process in United States History* (Ann Arbor, 1960); *The Growth of American Law: The Law Makers* (Boston, 1950); and "Legal Elements in United States History," in Donald Fleming and Bernard Bailyn, eds., *Perspectives in American History, Volume V, 1971: Law in American History*, 3-92 (Cambridge, Mass., 1971). "For studying social process," Hurst writes, "the most useful definitions of law are made in terms of social functions of law. What are the most distinctive and most important jobs we have asked the law to do in this society?" "The Law in United States History," in *Proceedings*, 518. Suggestive of the research value of legal records is Hurst's comment that, "these social functions of law mean that legal processes produce uncommonly valuable raw materials for studying institutions, transactions, and events whose main focus lies outside the law." *Ibid.*, 520. David H. Flaherty, "An Approach to American History: Willard Hurst as Legal Historian," in *American Journal of Legal History*, 14: 222-34 (July, 1970), suggests that "the resistance of the historical profession to the study of legal history can best be overcome through the vehicle of Hurst's writings." E. A. Hoebel, in surveying "The Functions of Law" in Richard D. Schwartz and Jerome H. Skolnick, eds., *Society and the Legal Order: Cases and Materials in the Sociology of Law*, 17 (New York, 1970), writes that "purposive definition of personal relations is the primary law-job. . . . It [the law] sets the expectancies of man to man and group to group so that each knows the focus and the limitations of its demand-rights on others, its duties to others, its privilege-rights and powers as against others, and its immunities and liabilities to the contemplated or attempted acts of others. . . . It is the ordering of the fundamentals of living together."

147. Suits on small claims were common. Delahanty Shelly & Co., for example, sued Charles Talcott in the San Rafael justice court in 1858 for goods delivered in the amount of \$17.50, and in the same year in the Bolinas justice court John Burk sued Solomon Perkins for \$5.25 due for blacksmithing services. County Court, Marin County, No's. 28 and 29, respectively.

148. *Minutes—Civil*, 6th District Court, Sacramento County, A, 7, 8, 10, 13, 27, CSA.

149. *Simonton v. Wager et al.*, 8th District Court, Humboldt County, No. 44.

150. *Manheim v. Woods & Lewy*, County Court—Civil, Humboldt County, No. 12.

151. *Boggs v. Horrell & McCombs*, 7th District Court, Sonoma County, Old Ser., No. 47.

152. *Robinson v. Davis*, 8th District Court, Humboldt County, No. 117.

153. Case files (1st Ser., 2nd Ser., Cases Pending), General Indexes (Plaintiff, Defendant), 1850-79, 6th District Court, Sacramento County, CSA.

154. "Decree and Award of the Arbitrators" and "Decree on Report of Arbitrators," *Williams v. Sanford*, Court of First Instance, District of Sacramento, Civ. No. 468; *Judgment Book*, Court of First Instance, District of Sacramento, 194, CSA. For the principles that guided the arbitrators of an 1850 Sacramento case, see "Bill of Exceptions," Aug. 2, 1851, *Muldrow v. Norris*, 6th District Court, Sacramento County, 1st Ser., No. 474. For other examples of arbitration in Sacramento in 1850, see *Baker v. Prince*, No. 114, *Minutes—Civil*, 6th District Court, Sacramento County, A, 90, CSA, and *Turner v. Prince*, No. 147, *loc. cit.* For a Sonoma County agreement of arbitration in 1851, see *Phelps v. Ford & Gibson*, 7th District Court, Sonoma County, Old Ser., No. 38.

155. *Benedict v. Barstow et al.*, in *Minutes—Civil*, 6th District Court, Sacramento County, B, 263, C, 107, 108, CSA; 6th District Court, 1st Ser., No. 551.

156. "Reward of Arbitration," Apr. 28, 1862, *Bishop v. Whitcomb*, Justice of the Peace, Franklin Township, Sacramento County.

157. *People v. Kleese*, Justice of the Peace, Sacramento City, in Court of Sessions, Sacramento County, No. 4.

158. *People v. Ross*, Justice of the Peace, Sacramento City, in Court of Sessions, Sacramento County, No. 104.

159. California contributed important chapters to the history of lynch law and vigilantism. "That the wicked rule is reason all the more that the righteous should rally," said H. H. Bancroft in *Popular Tribunals*, I: 26 (San Francisco, 1887), a book that surveys the history of the San Francisco Committee of Vigilance of 1851 and vigilance movements elsewhere in California during the gold rush and early statehood years. Bancroft's *Popular Tribunals*, II (San Francisco, 1887) treats the San Francisco Vigilance Committee of 1856. Mary Floyd Williams, *History of the San Francisco Committee of Vigilance of 1851: A Study of Social Control on the California Frontier in the Days of the Gold Rush* (Berkeley, 1921), is a masterful analysis of the work of the first of the two great San Francisco popular tribunals. For a scholarly review of the primary sources and basic historical treatments of the 1856 San Francisco Vigilance Committee and for the rationale of vigilantism generally, see Doyce B. Nunis, Jr., *The San Francisco Vigilance Committee of 1856: Three Views*, (The Los Angeles Westerners Publication No. 103, Los Angeles, 1971), 9-24, and bibliography, 170-76. For the history of American vigilantism, see John W. Caughey, *Their Majesties The Mob* (Chicago, 1960); Laurence Veysey, ed., *Law and Resistance: American Attitudes Toward Authority* (New York, 1970); Richard Maxwell Brown, "The American Vigilante Tradition," in Hugh Davis Graham and Ted R. Gurr, eds., *Violence in America: Historical and Comparative Perspectives: A Report to the National Commission on the Cause and Prevention of Violence*, I: 121-80 (Washington, 1969). Richard Maxwell Brown, "Legal and Behavioral Perspectives on American Vigilantism," in Donald Fleming and Bernard Bailyn, eds., *Perspectives in American History: Volume V, 1971: Law in American History*, 95-144 (Cambridge, Mass., 1971), considers "the attitudes of lawyers, judges, and legal critics—the legal illuminati—that emerged in late nineteenth- and early twentieth-century America in regard to vigilantism and lynch law."

160. H. Ewalt to T. K. Willson, Pittsburgh, Pa., dated Stockton, Oct. 10, 1850, *Willson v. Ewalt*, 7th District Court, Sonoma County, No. 845-(70, 71). Sacramento merchant Mark Hopkins, writing to his brother in the same month, expressed a similar view: "The security of persons & property is much less than under the former local regulations by force of public opinion and Lynch law—Then Rogues & Desperadoes feared justice, now they fear only the law, which besides delay, is often technically interposed as a shield from Justice—I have always been opposed to Lynch law—but as we are situated in some parts of California it sometimes seems to me, that in the absence of prisons & other appliances for the promotion of legal justice, no code provides so good redress as Lynch law." Mark Hopkins to Moses Hopkins, dated Sacramento City, Oct. 13, 1850, in John E. Pomfret, "Mark Hopkins' Formative Years in California," in *Huntington Library Quarterly*, 26: 86 (Nov., 1962).

161. "It has been many times remarked," wrote H. H. Bancroft, "that crime was much increased in frequency after the adoption of a state government, as if the laws were chargeable with the crimes; but the truth was that the laws were not chargeable with the punishment." H. H. Bancroft, *History of California*, VII: 193 (San Francisco, 1890); his chapter IX, "Criminal and Judicial, 1849-1879," provides both general statements and illustrative detail. Peter H. Burnett summed up the California conditions from personal experience: "For some eight or ten years after the organization of our State government, the administration of the criminal laws was exceedingly defective and inefficient. This arose mainly from the following causes: 1. Defective laws and imperfect organization of the Courts; 2. The incompetency of the district attorneys, who were generally young men without an adequate knowledge of the law; 3. The want of secure county prisons, there being no penitentiary during most of that time; 4. The great expense of keeping prisoners and convicts in the county jails; 5. The difficulty of enforcing the attendance of witnesses; 6. The difficulty of securing good jurymen, there being so large a proportion of reckless, sour, disappointed, and unprincipled men then in the country; 7. The unsettled state of our land-titles, which first induced so many men to

squat upon the lands of the grantees of Spain and Mexico, and then to steal their cattle to live upon." *Recollections and Opinions of an Old Pioneer*, 386 (New York, 1880).

162. The first bill signed into law in the first session was "An Act concerning the Public Archives," January 5, 1850; the last bill was signed on April 22, 1850. *Cal. Stats.* (1850), 45, 456.

163. *Cal Stats.* (1850), 92, 341, 342.

164. "Letter to J. Carrillo, Prefect of Santa Barbara, May 15, 1850," Secretary of State, Resignations, 1850, Dr. 824, CSA.

165. "Riley Gregg com. returned, Notary Public, Napa Co," Secretary of State, Resignations, 1850, Dr. 824, CSA.

166. "Petition of John Johnson et al. praying remission of fine," Nov. 17, 1851, Petitions to Governor, 1851, CSA. Governor McDougall remitted the fines.

167. Sec. of War W. L. Marcy to Riley, dated Washington, D.C., Oct. 10, 1848, 31st Cong., 1st sess., *House Ex. Doc.* No. 17, 263, 264. Lt. W. T. Sherman, writing from Monterey to the military commission in Los Angeles in October, 1847, enclosed extracts from the statutes of Missouri and from a digest of the laws of Texas defining and punishing the crime of burglary, saying that "These are the only law books I have access to, that treat the subject." Sherman to Asst. Surgeon J. S. Griffin, Judge Advocate, Los Angeles, dated Monterey, Oct. 20, 1847, 31st Cong., 1st sess., *House Ex. Doc.* 17, 403. On the scarcity of law books, see Noel C. Stevenson, "The Glorious Uncertainty of the Law, 1846-1851," in *Journal of the State Bar of California*, 28: 374-80 (September-October, 1953).

168. *Papy & Jones v. Wilson*, Nov. 21, 1849, Court of First Instance, District of Sacramento, Civ. No. 258.

169. "Sheriff's return, writ of execution," Mar. 25, 1850, and "Report of Jury of Consultation," Mar. 25, 1850, in *Harrison v. Nathan*, Court of First Instance, District of Sacramento, Civ. No. 447.

170. "Notes of Citizens Council Summoned by the Sheriff," Mar. 26, 1850, *loc. cit.* A dispute over the jurisdiction of the justice court of Novato Township in Marin County arose in 1855 in *Magee v. Wells*. Wells contended that since he was a resident of San Rafael Township, the Novato court lacked jurisdiction over his person, but the Novato justice decided otherwise. On appeal to the county court it was shown that the San Rafael justice, Egbert Van Allen, who made his living running a boat between San Rafael and San Francisco, had been at the San Francisco end of the line on the day the case had been brought in the Novato court, and for this reason the jury found that there had been no justice court in San Rafael at that time and that Magee should have the judgment. "Justice transcript" and "Statement of Case," *Magee v. Wells*, County Court, Marin County, No. 11.

171. *Parker v. Shepard et al.*, Court of First Instance, District of San Francisco, in "Transcript from Record," Supreme Court, No. 14 (620). For comment on Judge Almond's methods, see Peter H. Burnett. *Recollections and Opinions of an Old Pioneer*, 343, 344 (New York, 1880), and Mary Floyd Williams, *History of the San Francisco Committee of Vigilance of 1851*, 111 (Berkeley, 1921). In February, 1850, Judge Almond tendered his resignation to the governor, effective on the election of a district judge. "My health," he wrote, "is evidently failing rapidly under the heavy and increasing labors and responsibilities of the office, and self preservation requires the course I have taken." Secretary of State, Resignations, 1850, Dr. 824, CSA.

172. "Petition of the citizens of Columbia, Tuolumne County," Jan. 12, 1853. Petitions to Legislature, 1853-(2), CSA.

173. W. B. Harrison to the Governor, dated Shasta, Jan. 5, 1852, Secretary of State, Resignations, 1852, Dr. 824, CSA. In February, 1850, R. A. Wilson attempted to give up the judgeship of the Sacramento court of first instance, but Governor Burnett would not accept his resignation. Wilson estimated he would be out of pocket "between 2 & 3000 \$ any way by this judgeship, & now I shall have to pay or loose time to the amount of some \$2,000. more." In a petition to the legislature for redress, Wilson later described the dilemma that had confronted judges of the court of first instance with criminal jurisdiction only: "That being the only Judge in the State restricted from the exercise of civil jurisdiction of every discription he

was deprived of the means enjoyed by Judges & Alcaldas of making a livelihood out of the fees arising from litigants—and there being no jail, or other place for confining prisoners, within the District, there was no means of enforcing the payment of fines or forfeitures, & there were no district, municipal, or other funds out of which to pay the officers necessary for conducting the criminal administration.” R. A. Wilson Resignation, Feb. 9, 1850, Secretary of State, Resignations, 1850, Dr. 824, CSA; Wilson to Governor Burnett, Mar. 6, 1850, Governor’s Office, Notary Applications, 1850, San Francisco County, CSA; “Petition of R. A. Wilson for payment of Salary,” Jan. 9, 1851, Petitions to Legislature, 1851-(2), CSA.

174. *Cal. Stats.* (1850), 416-23; (1851), 35-48; (1855), 81-99.
175. *Brockman v. Combs*, 7th District Court, Sonoma County, Old Ser., No. 52.
176. “Petition From the Court of Sessions of Los Angeles County relative to reduction of costs in criminal cases,” Jan. 15, 1851, Petitions to Legislature, 1851-(4), CSA.
177. “Petition from Attys reduce fees in Sac Courts,” Mar. 17, 1855, Petitions to Legislature, 1855-(85), CSA.
178. *Cal. Stats.* (1850), 118.
179. “Grand Jury report, January term, 1851,” County Court, Sacramento County. Misc.
180. “Report of Grand Jury, August Term, 1856,” *loc. cit.*
181. “Petition from Citizens of Napa County,” Apr. 30, 1851, Petitions to Legislature, 1851-(82), CSA.
182. “Testimony of O. P. Stidger,” Mar. 31, 1851, in “Papers of Select Committee of Assembly on the matter of the impeachment of Hon. William R. Turner,” Legislative Papers, LP 1:1238, CSA.
183. Sentiment against holders of land titles through Spanish-Mexican grants was general. Andrew Randall, for example, suing on an account due in the Marin County court in 1854, described how his lands, whose titles derived from old California grants, had been occupied by citizens “professing to believe that it is public land of the United States and they will hold the same as preemptors,” and how the squatters had killed his cattle and pulled down his fences and held him up before the public as an oppressive, unjust man. “So strong is the public bias or prejudice existing in the public mind against him,” Randall told the court, “that he can not have a fair and impartial trial in the above cause in the County of Marin.” He therefore requested and was granted a change of venue. *Randall v. Mershon*, County Court, Marin County, No. 4.
184. “Sheriff’s return, writ of execution,” Nov. 19, 1849, *Sutter et al. v. Chapman*, Court of First Instance, District of Sacramento, Civ. No. 213.
185. *Robinson et al. v. Cunningham et al.*, Court of First Instance, District of Sacramento, Civ. No. 310.
186. *Loc. cit.*
187. *Rogers & Burnett v. Madden*, County Court—Civil, Sacramento County, No. 4.
188. *Rogers & Burnett v. Madden*, Recorder’s Court, Sacramento City, in “Transcript on Appeal,” County Court—Civil, Sacramento County, No. 4.
189. *County Court Records, Civil & Criminal*, Sacramento County, A, 18, CSA.
190. *History of Sacramento County, California* (Thompson & West, Oakland, 1880), 52.
191. Josiah Royce, using this Sacramento incident for purposes of a “higher” case study, wrote that, “A lofty and abstract idealism . . . appears, then, in this little story, as coming into contact with a very concrete problem of social existence—a problem about land ownership, about the rights and privileges of poor men, and about the good order of a new community. . . . The Idealist gets into conflict with the sheriff; the Higher Law has to face the processes of the courts; a company of homeless wanderers have to solve, in a moment, a critical problem of civilization. . . . In miniature we have then, in this case, a process of universal meaning.” Josiah Royce, “An Episode of Early California Life: The Squatter Riot of 1850 in Sacramento,” in *Studies of Good and Evil*, 298, 299 (New York, 1899). The character of the natural, or “higher,” law as the standard order of morality has been elucidated as follows: “Morality means conformity or agreement with the natural law; legality means conformity or agreement with civil law. Morally good acts ought to be always legal, and civil law can incur blame

on this head in either one of two ways: It can prescribe acts diametrically opposed to the natural law, or it can forbid acts prescribed by the natural law. Needless to remark, every such enactment is void of all moral force, no law at all; and on the principle that we must obey God rather than man, resistance becomes a duty." Owen A. Hill, S. J. (professor of natural law and canon law, Georgetown University School of Law), "The Natural Law," in *Georgetown Law Journal*, 13: 370 (May, 1925), extracted in Jerome Hall, ed., *Readings in Jurisprudence*, 84 (Indianapolis, 1938). Declared Senator William H. Seward, in the course of the debate in Congress over Henry Clay's compromise resolutions, in the year of the Sacramento squatter riot, "But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes." *Appendix to Congressional Globe*, 31st Cong., 1st sess., XXII, Part I, 265 (Washington, 1850). Aristotle stated this concept in a more practical way in the 4th century B.C.: "If the written law is unfavourable to our case, we must appeal to the universal law and to the principles of equity as expressing justice of a higher order." J. E. C. Welldon, trans., *The Rhetoric of Aristotle*, 101 (London, 1886).

192. For details of the Sacramento squatter riot of 1850, see *History of Sacramento County, California*, 50-56 (Thompson & West, Oakland, 1880); H. H. Bancroft, *History of California*, VI: 329-34 (San Francisco, 1888); Josiah Royce, "The Squatter Riot of '50 in Sacramento: Its Causes and Its Significance," in *Overland Monthly*, 2nd Ser., VI: 225-46 (September, 1885). Royce's "An Episode of Early California Life" cited in footnote 191 is largely a reprinting of his 1885 *Overland* article.

193. "Petition [of John F. Madden] for mandamus against judgment of Sacramento County Court," Nov. 25, 1850, and "Opinion," *Madden v. Rodgers et al.*, Supreme Court, No. 121 (88).

194. *People v. Carruthers et al.*, Court of Sessions, Sacramento County, No. 138. The accused were Owen Carruthers, W. B. Robinson, James Gibson, and John Thompson; James Wilson was the victim of the robbery.

195. *Record Criminal*, Court of Sessions, Sacramento County, 125, 126, CSA.

196. *Loc. cit.*

197. *Record Criminal*, Court of Sessions, Sacramento County, 126-39, CSA.

198. Carruthers received the sentence to the penitentiary.

199. On August 20, 1851, two days before the scheduled hanging, the governor respiteed the execution of Robinson's sentence to September 19. *Executive Records*, No. 1058, 340, CSA; *History of Sacramento County, California*, 126 (Thompson & West, Oakland, 1880).

200. *People v. Lusk*, Oct. 21, 1851, Recorder's Court, City of Sacramento. It is an American belief, writes Professor Hurst, that "there should be no center of secular power which was not in some way subject to review by another center of such power." James Willard Hurst, "The Law in United States History," in *Proceedings of the American Philosophical Society*, 104: 518 (October, 1960).

201. Blackstone, in his account of the English courts of criminal jurisdiction, states that, "The court of general *quarter sessions* of the peace is a court that must be held in every county, once in every quarter of a year. . . . It is held before two or more justices of the peace. . . . The jurisdiction of this court by statute 34 Edw. III, c. 1 extends to the trying and determining of all felonies and trespasses whatsoever: though they seldom, if ever, try any greater offence than small felonies within the benefit of clergy." William Blackstone, *Commentaries on the Laws of England*, IV: 268 (Oxford, England, 4th ed., 1770).

202. *Howard v. West* (1853), County Court—Civil, Humboldt County, No. 2; *Magee v. Wells*, Justice of the Peace, Novato Township, in "Justices transcript," County Court, Marin County, No. 11.

203. "Complaint," Oct. 13, 1858, *Wilson v. Griggs*, Justice of the Peace, Eel River Township, in County Court—Civil, Humboldt County, No. 32; G. D. G. Hall, ed., *The Treatise on the Laws and Customs of the Realm of England Commonly Called Glanvill*, 145 (London, 1965)

REVIEWS

Charles Wollenberg, *Reviews Editor*

Library Resources: Potpourri of Graphic Materials in the Los Angeles Federal Records Center

NORMAN E. TUTOROW, *former chief of the Archives Branch at the Los Angeles Federal Records Center*

DIRECTORS OF PHOTOGRAPH COLLECTIONS AND WRITERS who use well-known graphic sources to illustrate books and articles are often familiar with the holdings of the Library of Congress and the National Archives, but few are aware of the wealth of illustrative materials that lie near at hand in the dozen or so branches of the National Archives across the country known as Federal Records Centers.¹ This article is not intended to explore the contents of the central files of the National Archives or the materials housed in its various Archives Branches—not even the 300,000 cubic feet of historical and administrative records of the Los Angeles center. Rather, it deals exclusively with graphic materials contained in the collections of the Los Angeles Federal Records Center.

The Los Angeles center services over seventy federal agencies, many of which have photographs filed among their records. In some holdings the photos are incidental to the written documents, but in other cases they are paramount and form the core of the collection.

Among the center's best arranged photograph collections—and therefore most useful to researchers—are the series of illustrated project histories compiled by various federal agencies during the 1930's. Written by the Bureau of Reclamation construction engineer or by various project construction engineers, in words and pictures these works tell the stories of a number of New Deal projects in the Southwest.

Chronologically first and most complete in scope and thoroughness is the twenty-seven volume *History of the Boulder Dam Project*, which covers the years 1931-57. Each volume contains a register of notable visitors to construction sites, drawings and maps, a chronological table of major events, a general description of the project itself, summaries of outstanding advancements, engineering reports, and correspondence on a variety of matters. To the historian, the appendices and bibliography are of special value, for they contain correspondence, memoranda, a catalog of committee and board members, and exhaustive lists of newspaper and magazine articles on the Boulder Dam Project, with all essential bibliographical data. All volumes are thoroughly indexed and contain a list of photographs, with captions and page numbers included for ease of identification and location. In all, this set contains over 450 pictures and almost twice as many charts, drawings, and maps. The photographs show notable visitors (including presidents, senators, and commissioners), construction scenes with workers and equipment, natural development of the areas under construction, the dam itself in various stages of construction, water supply routes and pumping stations, boaters on Lake Mead, and scores of pictures of Boulder City.

Another major set in the center's collection is the twenty-seven volume *History of the Yuma Project*. The story of the Arizona irrigation project dates back to 1912, when the first operations report was submitted, but the materials in this center span only the period 1931-56. In format, contents, and style, the records differ very little from the Boulder Dam history. (Detailed tables of contents compensate for some partially indexed or unindexed volumes.) The 1931 volume contains a catalog of "previous histories forwarded," which lets the researcher who wants to probe the early years know what is available. Altogether, the volumes for 1931-51 have approximately 150 glossy photographs and fifty maps, drawings, and charts; those covering the period 1952 to 1956 contain a number of charts and drawings, but no pictures.

The third significant set of compiled histories in the Los Angeles collection is the nineteen-volume *Project History of the All-American Canal* which covers the years 1934-52 in the history of the important Southwest irrigation project. The general format and contents are similar to those histories previously described; the major difference is that this set has less written material and far more pictures and drawings—over 650 pictures and 500 maps and drawings. The pictures illustrate major events in the construction and operation of the canal, with a considerable number of them showing the California countryside before, during, and after the construction project. There are a few pictures of the All-American and the Imperial Dam Desilting Works.

Similar again in format and contents is the twenty-volume *History of the Gila Project*, compiled between 1936 and 1955 by the office of the construction engineer. The textual materials relating to the Gila Valley irrigation project of the Reclamation Bureau deal with every aspect of the project, beginning with the initial report on the plans. Included are cost estimates and reports on the feasibility of the proposed project and a detailed statistical summary of construction contracts awarded as late as 1955. Each volume contains separate published pamphlets on schedules, specification, and drawings. The twenty volumes contain over 350 photographs and an estimated 1000 charts and graphs. Scores of photos capture the virgin land before construction—with valencia orange groves and cotton fields intact and sheep grazing undisturbed. Other pictures show initial grading, drilling of tunnels, excavations, and the laying of concrete lining for canals, as well as workers and equipment.²

For historians and researchers these illustrated project histories represent a cornucopia of historical sources. Few records chronicle history as well as the pure graphic materials in the center's custody. Yet, these histories, among the most valuable of the collections, are rarely used, primarily because their existence is not widely known.

A second category of materials, the agency files, are among the most valuable and most neglected sources of illustrations in any center's collection. Old records of the Bureau of Public Roads (since 1966 under the Department of Transportation) are some of the oldest and, historically, the most priceless in the Los Angeles center. The picture file covers, for example, many aspects of Arizona road-building projects from 1933-38.

Among other agency records, one of the most useful picture collections in, perhaps, any Federal Records Center is found in the Forest Service records. The wide variety of materials in these files continues to surprise researchers who soon discover much more than the anticipated forest scenes. For instance, this group contains many pictures of controlled forest fires, set for purposes of experimentation, and wild forest fires. Since the Forest Service's fire laboratory studies the causes, spread, and consequences of fires, this collection contains unusual pictures unrelated to the Forest Service's activities. There are, for example, hundreds of 8 x 10 inch glossies of the burning of the Los Angeles community of Watts in the 1965 riots. These include fire fighters, looters, burned buildings, police and national guard units, and aerial pictures of overall damage after the fires were extinguished. Graphic materials in the Forest Service records also contain envelopes of newspaper clippings dealing with major fires in many other states, and maps and weather data related to fire research.

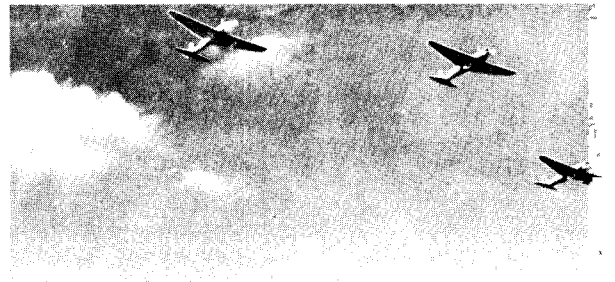
One of the most interesting agency holdings is that of the Reconstruction Finance Corporation. The critical story of the construction during World War II of one of the world's largest magnesium plants at Boulder Dam—magnesium was vitally necessary to the construction of airplanes—can be reconstructed from the graphic and textual materials in the RFC collection. The RFC files contain over 4,000 pictures of construction progress; scores of newspaper clippings and pictures, a microfilm set of over fifty reels of books on metallurgy, inorganic chem-



Los Angeles Federal Archives and Records Center

The All-American Canal project history contains hundreds of photographs including this one of farmers and teams excavating for the canal in 1935. The men were hired as a relief measure during the Depression.

Los Angeles Federal Archives and Records Center



Thousands of naval intelligence photographs from World War II are housed in the records center. This photo of Japanese publication shows an amphibious vehicle at army maneuvers on the Tamagawa River.





Naval intelligence files contain hundreds of photos of Southeast Asian cities. Pictured here is the shopping district of Hanoi in 1939.

istry, thermodynamics, and electrochemistry; and a bibliographical index on a variety of related technical areas. A considerable portion of the microfilms are of German books that were microfilmed by the Library of Congress, among them *Gmelins Handbook of Inorganic Chemistry*, published in Berlin in 1938.

Similar files exist in other RFC records. One of the most extensive is the collection of one of the plants which produced synthetic rubber.

Another major source of photographs is the collection of the Atomic Energy Commission, which is one of the few containing colored prints. Among these pictures are several showing damage caused by underground and aboveground atomic bomb blasts. AEC facilities—towers, workers, and shelters—are shown in hundreds of pictures. One section of the AEC collection contains perhaps 50,000 photos, all labeled by code number, code name, and subject, and filed chronologically. These pictures include shots of every AEC test and test site during the late 1950's.

The age of deep space exploration is well represented in the center's graphic sources as well. The evolution of space flight is documented in the thousands of photographs, magnetic tapes, calibration graphs, video-tape recordings, and other technical media used to assemble, inspect, launch, and retrieve spacecraft. The National Aeronautic and Space Administration contractor, Caltech Jet Propulsion Laboratory, has sent to the center record collections created as a result of the Ranger, Mariner, and lunar explorations. These records now cover the period 1959-69 and will grow as space programs expand. Eventually, most Federal Records Centers will contain a nucleus of space records, which will add prominently to the growing fund of space technology.

The student of Japanese history, Chinese-Japanese and American-Japanese relations during the 1930's, and World War II in the Pacific will find the Naval Intelligence photograph files of incomparable value. This collection alone contains over 3,000 pictures and scores of maps. The photographs are filed topically in separate envelopes, under headings including aircraft, cities, ships, and harbors, as well as over two dozen other categories. Most of these pictures are of Japanese publication, and many were confiscated after the war. Half the pictures in this set are scenes of cities, factories, canals, and the Japanese countryside. One envelope contains a hundred pictures of various cities and scenic places in Manchuria, and other packets contain several hundred miscellaneous photos of the Malay Peninsula during the 1930's, scores of maps and charts of Manchuria, and two dozen pictures taken near Poltava in the Ukraine. The collection also includes over 400 photos taken in French Indo-China, Burma, India, Siberia, and Syria. The set contains various miscellaneous Japanese photographs of the Marianas, records of American oil shipments to Japan in 1940, and pictures of several high-ranking Japanese civilian and military personnel.

Besides the official naval photographs described here, the center has thousands of informal pictures of navy ships. Naval historians or nostalgic sailors may be interested in a variety of illustrated histories and annuals (including formal and informal shots) of decommissioned ships whose records are often stored in Federal Records Centers

The holdings of barely a half-dozen agencies have been mentioned above; similar collections exist among many of the records of the three score agencies not touched upon.

In addition, the center has a plethora of loose photographs. One Indian collection has over 3,000 pictures, many with negatives, taken on Southern California Indian reservations during the years 1920-45. The agencies or reservations represented in this collection include Manzanita, Cahuilla, Los Coyotes, Barona, Morongo, Palm Springs, San Manuel, Santa Ysabel, Soboda, Torres-Martinez, San Pasqual, Santa Rosa, Campo, Laguna, La Jolla, and Mesa Grande, to name but a few. Other Indian pictures are filed by subject—hundreds of them, as it turns out—including athletics, clubs, health activities, historical scenes, disasters, people, families, school classes, field workers, farming homes, construction scenes, and natural scenes. About 500 of these photographs are unidentified, but the rest are labeled and sometimes dated.

Other Indian photograph files tell the story of illness, disease, and hardship, and allow the researcher to relive in graphic detail the Indian's struggle with the white man. These pictures are not restricted to Indian and cavalry warfare, but include the political struggles long afterwards which frequently ended with imprisonment of Indians on a wide variety of charges.

The graphic materials in the Los Angeles Federal Records Center include thousands of historical maps, including California cities and harbors as early as the 1860's; construction-progress maps of scores of federal agencies, including naval and military installations; and thousands of reels of motion pictures. Routine picture collections with little or no historical value have thousands of pictures, and naval files contain, it is estimated, hundreds of thousands of technical slides.

The collections briefly touched upon here are so extensive that they defy accurate estimation as to quantity, and they have unappreciated—even unimagined—historical value. Although many of the photographs have agency restrictions imposed upon their use, most files are open to scholars, and the pictures usually may be reproduced. Yet the collection at the Los Angeles center is in no sense unique; every Federal Records Center has a similar collection. These centers house great untapped sources of historical illustrations waiting to be used. Indeed, the diligent researcher is apt to turn up collections of graphic material whose existence is unknown and possibly unsuspected by the center archivists.

Pictures, newspaper clippings, magazine articles, and cartoons put flesh on the bare skeleton of written materials. They breathe life into the work of researchers and visually reflect the events of the past. For those who wish to see history as well as read it, for those who seek to reconstruct the past in graphic as well as written form, the materials they need are all here—unused, untouched, and, often, undiscovered.

NOTES

1. For information on the maps, charts, still pictures, microfilms, and motion picture films housed in the National Archives, write for the pamphlet entitled *The National Archives*, Publication No. 66-1, Sales Publication Branch, National Archives Building, Washington, D.C. 20408. On the background, organization, and holdings of the Federal Records Centers, see Gerald T. White, "Government Archives Afield: The Federal Records Centers and the Historian," *Journal of American History*, LV (1969), 833-42. Those interested in sources for illustrating articles on California history may profit from Norman E. Tutorow, "Graphic Illustrations in California History: A Guide to Sources," *Picturescope*, XVI (1968), 75-82.

2. The center's collection includes a number of less extensive project histories. One is the nine-volume *Project History of the Coachella Division of the All-American Canal*, from 1946-1954 (volume eight for 1953 is missing). Also deposited is the eleven-volume work on the Parker Dam Project of California Arizona. This set spans the years 1934-45 and contains 150 photographs, over fifty charts and maps, and extensive lists of visitors to the project. Related to the Parker Dam set are the histories of the Davis Dam Project, for 1942 and 1946-52, and the Parker-Davis Project, from 1951 to 1957. The former contains 130 pictures and seventy-five maps in six volumes. The latter has thirty photos and over 100 charts and maps, also in six volumes. Briefer still are the histories of the Palo Verde Division (1951-58), the San Diego Second Pipeline (1952-54), the Salt River Project (1935-39), and miscellaneous records of the Colorado River Front Work (1954-58).

Book Reviews

Flood Tide of Empire: Spain and the Pacific Northwest, 1543-1819. By Warren L. Cook. (New Haven and London: Yale University Press, 1973. xiv + 620 pp. Photos, end-maps, appendices, index. \$17.50.)

Reviewed by THEODORE E. TREUTLEIN, *Professor Emeritus of History, San Francisco State University, and author of* San Francisco Bay, Discovery and Colonization, 1769-1776.

THIS MASSIVE BOOK SHOULD BE REQUIRED READING for those brought up on the inaccurate generalization that Spain's "decline" set in during the days of Ferdinand and Isabella. Contrarily, Spain continued to develop, and the empire reached its greatest extent in the year 1789 when Santa Cruz de Nootka became a Spanish outpost.

However, reviewers may be permitted to carp, and since there is so much supportive evidence that the Spanish Empire was not in flood-tide during the entire period, 1543-1819, one wonders why this excellent work was given the title it has. True, in the text the author does point out that the Nootka Convention of 1790 "in hindsight marks a watershed in Iberian history, the perceptible inception of an ebb-tide in empire." Yet, again, the volume's subtitle, "Spain and the Pacific Northwest," is too modest, since this impressive study considers in great detail the complicated international struggles of two continents which swirled about the coasts and waters from San Francisco Bay north to Alaska and involved Spain, Russia, England, France, and the United States.

Actually, Spain never was able to cash in (either diplomatically or commercially) on her claim that right of discovery established her exclusive rights to the control and exploitation of the Pacific Northwest. In the splendid, concluding Chapter 13, "Atrophy of Empire: The Factors," the author argues that Spain never really appreciated the region for itself, but followed a policy of trying to exclude rival nations as a means of protecting a possible penetration of Mexico. Commercially, Spain emphasized the exploitation of Mexico's mineral wealth, and the opportunity to profit from the furs and other resources in the northwest was never well utilized.

"Spanish mercantilism" (reviewer's words) stood in the way of a capable commercial development north of San Francisco. "The anticipation of a share in a valuable cargo of furs gave a compulsive vitality to the efforts of [non-Spanish] fur traders on the northwest coast, whereas Spanish seamen in the area stood to gain nothing but a dubious recognition of merit, a subsistence salary, and perhaps a promotion as a reward for the deprivations and anxiety endured there." (Appendix E, "Nationality of Vessels Visiting the Northwest Coast, 1774-1820," reveals that between 1774 and 1797—after which no Spanish vessels are listed—there were 43 Spanish visits, while in the same period there were 133 other visits: 69 British, 43 United States, 10 Portuguese, 6 French, 4 Swedish, and 1 Austrian. After 1797 until 1820 there were 24 British visits, and the United States ships totaled 232; from 1805 on, there were also 13 Russian visits.)

The Spanish did not colonize the region owing to the lack of surplus population which might have encouraged this development, although the author also considers the heavy-handed geographical environmentalist theory expressed by Humboldt and others that "the average Spanish American disdained such northern latitudes." But later he comments: "Had the Nootka crisis and Bourbon dethronement been averted, it is not improbable that the area could have remained in Latin American hands. Strange as a Spanish colony in that cool latitude might seem at first glance, a comparison with southern Chile removes the incongruity." This statement, however, does not remove the incongruity of the lack-of-population theme just expressed.

According to Cook, Spain also suffered a "propagandistic failure"; that is, she failed to make known until too late the exploits of her explorers (the "mantle of silence" strategy), so that her territorial claims against Britain and other rivals seemed to them preposterous. And Spain did not develop a missionary program for the Northwest, as she had done elsewhere.

But the ultimate failure of Spain to maintain her empire is ascribed by Cook to "her debilitating involvement in the crises of the French Revolution and the Napoleonic wars. Claims

based on prior discovery and symbolic acts of possession were of scant value to Madrid when they could not be supported in Europe from a position of strength."

One of the best features of *Flood Tide of Empire* stems from the author's anthropological background; especially useful and interesting is his analysis of the tactics and strategy of chief Ma-kwee-na (and others) and the relationship of the potlatch system to native trade with the Europeans. An excellent section (20 pages of cartographic and photographic reproductions), end-pocket maps of 1791 and 1802, and valuable appendices items complete the volume.

California, An Illustrated History. By T. H. Watkins. (Palo Alto: American West Publishing Company, 1973. 543 pp. \$25.00.)

Reviewed by WALTON BEAN, *author of California, An Interpretive History, and professor of history at the University of California, Berkeley.*

ANYONE WHO LIKES CALIFORNIA WILL LIKE THIS BOOK. T. H. Watkins, former editor of *The American West* and author of *Gold and Silver in the West* and *The Grand Colorado*, writes history with verve and wit; and in this, as in other volumes in the Great West Series, of which this is the largest, the author has had the assistance of the editorial staff of *The American West* in gathering a dazzling collection of hundreds of pictures. The book succeeds remarkably well in its objective of interrelating the past with the present. For example, an infra-red satellite photograph of the California coast taken from a height of 579 miles suggests how the coastal fog bank kept the little ships of the early explorers away from the rocky coastline and delayed the discoveries that came centuries later.

Most of California history has occurred so recently as to be within the era of usable photographs, roughly since 1850, and the great majority of the pictures in this book are photographs, most of which the reader is not likely to have seen before. For the earlier period, Watkins has relied largely on such paintings as Charles Nahl's "Fandango," "Incident on the Chagres," and "Sunday Morning in the Mines." These are more familiar, but they could hardly be omitted, and although they rely on the imagination of the later artist, so does written history rely in large part on the imagination of the later historian.

Watkins's style reflects the breezy expansiveness of America's traditional view of its West. On the vigilantes, for example, he follows the unrestrained enthusiasm of Roger Olmsted and ignores the penetrating criticisms of Richard Maxwell Brown. Yet Watkins's own criticisms provide some of the best passages in the book, such as his account of Robert F. Stockton, and of the Julian Petroleum scandal of the 1920's.

There are some mistakes. Watkins writes that the expedition of 1769, "contrary to much popular history, . . . was not considered a 'sacred expedition' by anyone but Serra and his Franciscan assistants." In fact, Gálvez himself so considered it, at least in major part, and when he journeyed to La Paz to see the naval part of the expedition off, he insisted on carrying some of the sacred mission paraphernalia on board ship with his own hands. The painting of a night scene in the gold country, on page 89, is labelled "artist unknown," although the original, which hangs in the Bancroft Library, is signed by B. V. Brooks. The photograph of "Peter Burnett" on page 102 is actually of James King of William, and that alleged to be of William M. Gwin on page 106 is actually of Burnett. The Oakland Museum does not "sprawl over much of the southeastern edge of the city," as asserted on page 477.

There are more than 150,000 words in the book, but much of this is commentary on the pictures, and within this scope, an adequate general history can hardly be expected.

Social and economic history are heavily stressed, partly perhaps because they lend themselves to pictorial treatment. Political history is slighted; less than 5 per cent of the material is political, though what there is is sprightly. Literary history is confined to a one-page appendix and bibliography to two pages. Picture credits are all in a single list arranged in such a way that it is extremely difficult to find the source of any particular picture.

For breadth of information and depth of analysis there are much better one-volume histories of California; but for liveliness and color this one ranks high. It will undoubtedly attract many thousands of readers, and it should.

For Better or For Worse: The Ecology of an Urban Area. By Harold Gilliam. (San Francisco: Chronicle Books, 1972. 184 pp. Illustrations. \$5.95.)

Reviewed by T. JACK KENT, JR., professor of city planning, University of California, Berkeley.

IN HIS NEW BOOK, *For Better or for Worse: The Ecology of an Urban Area*, Harold Gilliam has made another major contribution to the regional environmental movement which, since the beginning of the postwar period, has kept alive the possibility of a hopeful future for the Bay area. Readers of this important book will be enlightened and inspired by the author's appreciation of the natural wonders and breathtaking beauties of the Bay area; they will be informed by his historical perspective which highlights the almost unbelievable change in our environmental attitudes that took place during the 1960's; and they will be either shocked or delighted by his judgments concerning some of our large-scale construction programs, which he suggests should be abandoned just as soon as possible.

The book is composed primarily of reports and essays published in recent years. In grouping them together, however, the author has made them integral parts of a larger whole; edited and freshly interpreted, they tell us most of what will need to be known if the Bay area is to be the first major American metropolis to be saved from the enormously wasteful, unnecessary, brutal tragedy of metropolitan over-growth.

The introductory chapter explains clearly and persuasively why the Bay area's postwar environmental history may be unique and ought to be told. The author then alarms us with the DDT-brown pelican story, warns us to watch the all-knowing bureaucrat with a wary eye, and compels us to face the terrible dangers that are being risked by the leaders of both private and public power agencies.

The main body of the book presents an invaluable account of the victories and defeats in the postwar political battles for a better Bay area. It is a story of how concerned citizens, working within the "system," have changed established, pro-sprawl policies to compact-growth regulations, have stopped freeway plans, have saved vineyards, have limited expansion of utilities, have postponed dam-building, have begun to save the coast as well as the Bay, and have crystallized plans for a great greenbelt in the outer-ring of the region. Defeats and future dangers, dramatically symbolized by the approved "BATS" plan for another huge increase in the region's freeway system, are also reported. Finally, we are made to think about the possibility of new cities and the need for a new statewide approach to the problems of growth and the environment.

The most impressive characteristic of Gilliam's work is the way in which he educates his readers, leading him to put new knowledge to practical use in immediate, local situations. If the new environmental activists, young and old, read Gilliam's book soon enough, there could be the kind of "great leap forward" that is needed during the 1970's if the Bay area's marvelous metropolis and its great natural region are not to be overrun, disrupted, and made mediocre. If this happens, and the prospect that it can be made to happen before it is too late still exists, Harold Gilliam will be one of its creators and one of its heroes.

Remain To Be Seen. By Elinor Richey. (Berkeley: Howell-North Books, 1973. 180 pp. Illustrations. \$8.50.)

Reviewed by PHYLLIS BUTLER, chairman of Santa Clara County's Historical Heritage Commission and a frequent contributor to Bay area newspapers.

IN ELINOR RICHEY'S SECOND BOOK on social and architectural history for Howell-North, the author once again displays her considerable talent for historical writing and architectural research as she breathes life into some well-worn as well as fresh material about California's officially recognized landmarks. Her introduction speaks eloquently and convincingly for historic preservation; clearly, she is aware of what the preservation movement is all about.

No one can argue with her selection of featured houses from the 112 structures listed in the book; they represent the best of California's great houses open to the public. Although the list is generally available in the invaluable historical guide *Historic Spots in California*, Ms

Richey covers twenty-two of the houses in depth, painting fascinating portraits of the inhabitants and the unique features that make these houses outstanding examples of historical architecture.

The book's somewhat slick format and repetitious photography layout bely the scholarly research apparent upon reading the entertaining text. Especially interesting is the account of Thomas O. Larkin's style-setting house in Monterey. The author has done her detective work well, and she gives us new and absorbing information on Larkin's post-consular days when he returned to the East Coast and his subsequent resettling in San Francisco.

Detailed material on the Governor's Mansion in Sacramento and the charming Octagon House in San Francisco is also fresh. Important Californios are well represented in the adobes of the Estudillo, Bandini, Avila, Pico, and Polomares families. In the recounting of Don Mariano Vallejo's grand Petaluma Adobe and Sonoma estate, many valid personal insights into the man and his times are offered. However, one might wish to see a better location map, and, to add variety, more early views and photographs of those who lived there.

Historians are notorious for delighting in catching each others missteps—and I can't resist pointing out some errors in an otherwise excellent study of the Winchester Mystery House. Mrs. Winchester's sister did indeed follow her to California—in fact, the sister became a locally famous philanthropist in the Los Altos-Palo Alto area. Also, Mrs. Winchester moved her actual residence to Menlo Park before 1905 and "left the house" fairly regularly; however, she did continue to supervise construction on her unusual house near San Jose.

But these minor complaints are of little consequence to the overall quality and readability of this outstanding book.

Americans and the California Dream, 1850-1915. By Kevin Starr. (New York: Oxford University Press, 1973. xviii, 494 pp. Illustrations. \$12.50.)

Reviewed by CHARLES WOLLENBERG, *Reviews editor.*

ACCORDING TO KEVIN STARR, nineteenth-century Americans "glimpsed a California of beauty and justice where on the land and in well-ordered cities they might enter into prosperity and peace." That is the "California dream" that Starr so effectively evokes—the best hopes of victorian California that still can be sensed in cool Maybeck living rooms or among shade trees planted long ago in warm ranch valleys. And perhaps elements of the old dream are reappearing in the contemporary concern for the natural environment, for Starr claims that "at the core of the [1850-1915] dream was the hope for a special relationship with nature. A passion for beautiful California filled the souls of the artists and intellectuals of the 1850-1915 period."

Americans and the California Dream is intellectual and biographical history in that Starr concentrates on the lives and works of a host of California writers and artists—Henry George, Jack London, Josiah Royce, John Muir, Gertrude Atherton, Frank Norris, and George Sterling among them. Often, the emphasis is on frustration and failure. Non-fulfillment of dreams and of personal goals is a dominant theme of the book.

Starr is a profoundly "present-minded" historian, and the concerns of the 1970's—ethnic and environmental issues and the quest for human happiness in Freudian and post-Freudian terms—are omnipresent in the book. Like many contemporary historians, Starr rejects the view of American history as a success story, and he reminds Californians that "no evocation of imaginative aspiration can atone for the burdens of the California past, especially the violence and the brutality."

But Starr also believes that "while the recovery of the past can traumatize, it can also heal." "Acknowledging the tragedy," he claims, "Californians must also attune themselves to hope." And there are hopeful examples in Starr's discussions of some of the most successful practitioners of the old dream: Joseph Le Conte, the great Berkeley teacher who sought a synthesis between science, philosophy, and religion, and Luther Burbank, the self-taught master botanist who also could dream of "children removed from fear growing strong in freedom and sunlight."

Starr's "present-mindedness" occasionally interferes with understanding the past on its

own terms, and some readers will take issue with his devastating portrayals of some of California's most beloved literary figures. He does not provide a convincing argument for 1915 as a logical cut-off date, and Southern Californians will be shocked to discover that the book all but ignores their region. (Starr promises to make amends in his sequel on the post-1915 period.) But the book's strengths far outweigh its weaknesses. It is regional history at its best—an attempt to define a regional culture within a national and universal framework.

Perhaps the fact that a Harvard Ph.D. and English professor such as Starr has turned to the writing of regional history is an indication of a renewed search for strength in local cultural roots amid the national traumas of Vietnam and Watergate. Starr has taken temporary leave from Harvard and returned to his native San Francisco to do political and administrative service for Mayor Joseph Alioto. As a scholar and as an activist, Kevin Starr seems intent on rediscovering and reinvigorating the California Dream.

Essays and Assays: California History Reappraised. Edited by George H. Knoles. (San Francisco: California Historical Society, 1973. 132 pp. Illustrations. \$4.95.)

Reviewed by KEVIN STARR, *associate professor of English at Harvard University (on leave) and acting city librarian, San Francisco.*

STOCK-TAKING IS ALWAYS A DIFFICULT TASK, and when the object of assessment is California—past, present, and future—comprehension is challenged indeed. On 27 and 28 February, 1970, the Institute of American History at Stanford University sponsored a symposium on the past two hundred years of California history. Nine scholars presented papers, which George H. Knoles, director of the institute, has edited and the California Historical Society has just published. In a word, these addresses are marvelous: comprehensive without being superficial, impassioned and urgent, but never strained. With their very appearance they became important documents in the study of California because they represent the distilled knowledge, wisdom, and anxieties of California's most mature scholar-teachers. In a way, the genre these scholars are working in—the address verging upon the oration—forces them to get to the point and to reveal their innermost preoccupations. One feels the urgency of spoken speed in these essays, even after their undoubted revisions and editings. Each of them has, more or less, a similar preoccupation and source of dramatic tension, for in each of the selections a scholar faces up to the present crisis of that sector of California life he has made it his life's work to study.

The tension is most immediate in the addresses of John W. Caughey and Andrew Rolle which, respectively, open and close the anthology. Both scholars deal with the environment, nature in its most heroic perspective, that primal factor of identity in the Californian consciousness, despite the overwhelming urbanity of our civilization. Caughey chronicles a crescendo of catastrophes in the Californians' use of the land, while Rolle suggests its urban counterpart, the creation of a new Inferno of freeways and stucco sprawl. Caughey looks gently to an older, more humane use of resources. Rolle verges upon the apocalyptic as he surveys the future. Rodman Paul (on agriculture) and Gerald D. Nash (on economic growth) deal with both the sources of expansion and the mania for conglomerate abuse at the core of the trauma of the past few decades when California becomes Leviathan, or better, some new Godzilla run amok in matters of socio-economic behavior. Even Harold C. Kirker, whose study of California architecture of a decade or so back breathed such optimism, even Kirker seems depressed in the face of an epidemic of crass, unimaginative construction. Don E. Fehrenbacher manages to underscore once again American California's origins in an act of illicit seizure, while Moses Rischin dramatizes that racial prejudice is as constant a factor as attitudes towards the environment in understanding the California story. Not that these essays are unequivocally pessimistic. Each historian, of necessity in responding to the totality of events, has some hopeful and approving things to say. Yet a massive gloominess seethes at the core of each inquiry, a struggle with facts and trends and wrong choices made and forces unleashed—all of which seem to our brooding scholar-protagonists to point in some awful final direction, to that last disaster lurking in the Californians' subconscious since the turn of the

century, be its iconography that of drought, earthquake, a city in flames, or any number of obscene ritual murders which made Californians catch their breath in terror that perhaps, as they had in the days of the Indians, demons once again stalked the land. In these somber essays, coming at the end of the terrible 1960's, our historians feel a subtle fear that they have perhaps given over their lives to chronicling an experiment sown with the seeds of its own destruction. They are fearful because at the heart of California historiography since the days of the first county histories down to the more critical efforts of our own day has been something of a sustaining piety, a belief that California was heading towards the good, that one day men and women and the society they effected would be better here. This utopian imperative, our historians suggest (or grapple with as a possibility), this promise stands mocked in and by the present. The romance went first, and now departs the hope. Farewell, Bancroft and the Hittell boys! Sorry, Josiah Royce! And, of course, you had to be kidding, Helen Hunt Jackson, Mary Austin, and George Wharton James!

If we came here to be better, Walton E. Bean suggests, then even as reformers we acted unstably, rushing towards the easy consolations of left and right. Our politics went hand in hand with a larger obsession with the cosmetic solution and the easy answer.

In the address "California's Legacies from the Pioneers," Earl Pomeroy provides us with the raw materials of hope—although he does not explicitly allow himself such consolation. Indeed, it would take a new Royce to detect in today's vipers' tangle that process of good subsuming evil which the young Californian philosopher saw at work in the first decade of the state's history. "Where are we heading?" each of our historians asks us and themselves. "And where" (this in Whitman's words) "is what we started for so long ago?" Where, indeed, is that lost California of completion and repose? Did it ever exist in the first place? And, if it did not, what sort of society do we want to have? What myths can we allow ourselves in the face of so many broken hopes and dreams that were both betrayed and betraying?

Hard questions. To their great credit, the historians represented in this collection struggle towards the elements of an answer with both tough-mindedness and passion. These jeremiads hover on the edge of becoming elegies to a lost cause—and implicit in an elegy is an act of renewal.

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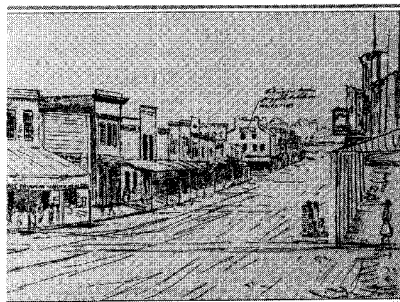
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We particularly desire to list publications which would not be well advertised elsewhere, works more likely to be publicized by word-of-mouth than by an organized publicity campaign. Hence, we are dependent to a considerable degree on the response of our readers. If you know of a recent unlisted publication on California, please notify the compiler of this check list. Be sure to include the following basic bibliographic data: author, title, location and name of publisher, date of publication, number of pages, and price. If the item is a limited edition published by an individual or small group, be sure to give the address where the book can be purchased and any special ordering instructions. Send this information to Peter A. Evans, Librarian, California Historical Society, 2090 Jackson St., San Francisco, CA 94109. This listing in the *Quarterly* is, of course, free.

- Avina, Rose Hollenbaugh. *Spanish and Mexican Land Grants in California* (thesis 1932). San Francisco: R & E Research Associates. Reprint 1973.
- Baker, Hozial H. *Overland Journey to Carson Valley and California*. Ferol Egan, ed. San Francisco: Book Club of California. 1973.
- Bernhardi, Robert. *The Buildings of Berkeley*. Oakland: Holmes Book Co. Reprint 1973. (116 pp., \$8.50)
- Bieber, Ralph P., ed. *Southern Trails to California in 1849* (1937). Philadelphia: Porcupine Press. Reprint 1973. (\$20.00)—1317 Filbert St., Philadelphia, PA 19107.
- Brodhead, Michael J. *A Soldier-Scientist in the American Southwest; Being a Narrative of the Travels of Brevet Captain Elliott Coues . . . 1864-1865*. Historical Monograph No. 1. Tucson: Arizona Historical Society. 1973.—949 East Second St., Tucson, Arizona 85719.
- Caen, Herb. *The Cable Car and the Dragon* (juvenile). Illustrated by Barbara Ninde. Garden City: Doubleday and Company, Inc. 1972. (\$4.95)
- California Central Coast Genealogical Society. *1870 U.S. Census of San Luis Obispo California*. Morro Bay: California Central Coast Genealogical Society. Dec. 1973. (\$7.50)—Box 832, Morro Bay, CA 93442.
- California Indians I*: Ralph L. Beals, et al., "Indians Land Use and Occupancy in California." New York: Garland Publishing, Inc. 1973. (3 vols., 1061 pp., \$21.00)
- California Indians II*: Robert F. Heizer, "Indians of California," Herbert R. Harvey, "The Luiseno—Analysis of Change in Patterns of Land Tenure and Social Structure;" Nona C. Willoughby, "Division of Labor among the Indians of California." New York: Garland Publishing, Inc. 1973. (288 pp., \$21.00)
- California Indians III*: Erminie Wheeler Voogelin, "Pitt River Indians of California;" Ernest R. Neasham, "Fall River Valley: An Examination of Historical Sources." New York: Garland Publishing, Inc. 1973. (289 pp., \$21.00)
- California Indians IV*: Alfred L. Kroeber, "Basic Report on California Indian Land Holdings;" Harold E. Driver, ed., "Selected Writings of A. L. Kroeber on Land Use and Political Organization of California Indians;" Ralph G. Lounsbury, "Mexican Land Claims in California." New York: Garland Publishing, Inc. 1973. (285 pp., \$21.00)
- California Indians V*: "Sagebrush Corner—Opening of California's Northeast." New York: Garland Publishing, Inc. 1973. (286 pp., \$21.00)
- California Indians VI*: Ralph L. Beals, "Indian Occupancy, Subsistence and Land Use Patterns in California;" Indian Claims Commission, "Findings of Fact, and Opinion." New York: Garland Publishing, Inc. 1973. (379 pp., \$21.00)
- California Wine*. Menlo Park: Lane Magazine & Book Company. 1973. (224 pp., \$12.95)
- Clar, C. Raymond. *Out of the River Mist: History of the Russian River Area and the Lumber Town of Guerneville*. Sacramento: Argus Books. 1973. (137 pp., \$7.75)—2741 Riverside Blvd., Sacramento, CA 95818.

- Coy, Owen C. *California County Boundaries* (1923). Rev. ed. Fresno: Valley Publishers. 1973. (\$15.00)
- De Angulo, Jaime. *Coyote Man & Old Doctor Loon*. San Francisco: Turtle Island Foundation. 1973. (\$5.00 plus tax)—2907 Bush St., San Francisco, CA 94115.
- . *Indians in Overalls*. San Francisco: Turtle Island Foundation. 1973. (\$6.00 plus tax)—2907 Bush St., San Francisco, CA 94115.
- Engbeck, Joseph H., Jr. *The Enduring Giants* (the redwood, *Sequoiadendron giganteum*). Berkeley: Univ. of California Extension. 1973. (\$3.00 plus tax)—Dept. P, Univ. Extension, Univ. of California, 2223 Fulton St., Berkeley, CA 94720.
- Faugsted, George Edward. *The Chilenos in the California Gold Rush* (thesis; 1963). San Francisco: R & E Research Associates. Reprint 1973.
- Federal Writers' Project. *California: A Guide to the Golden State* (1939). St. Clair Shores, Mich.: Somerset Publishers. Reprint 1972. (713 pp.)
- Federal Writers' Program. *San Francisco, the Bay and its Cities* (1940). St. Clair Shores, Mich.: Somerset Publishers. 1972. (531 pp.)
- Gray, Thorne B. *Quest for Deep Gold: The Story of La Grange, California*. La Grange, Calif.: Southern Mines Press. 1973. (44 pp.)
- Gregg, Kenneth. *Santa Ynez Valley*. Photography by Kenneth Gregg. Text by Fred King. Santa Barbara: Heyday Press. 1973. (45 pp.)
- Grice, Virginia M. *Pastor, Chaplain and Friend* (biography of Rev. Thomas Grice). Oxnard, Calif.: M & N Printing. Oct. 1973. (\$5.00)—Ventura County Historical Society, 77 N. California St., Ventura, CA 93001.
- Hamilton, Geneva. *Where the Highway Ends* (concerning Cambria area). Cambria: Williams Printing Company. 1973. (250 pp., \$7.50 plus tax)—P.O. Box 216, Cambria, CA 93428.
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- Hurwitz, Karen E. *The History of John Marsh and Rancho de Los Meganos*. Martinez: Contra Costa Co. Development Assn. 1973? (\$1.25)—838 Escobar St., Martinez, CA 94553.
- Hussey, John A., ed. *Early Sacramento: Glimpses of John Augustus Setter, the Hok Farm and Neighboring Indian Tribes From the Journals of Prince Paul, H. R. H. Duke Paul Wilhelm of Wurttemberg*. Translated by Louis C. Butscher. Sacramento: Sacramento Book Collectors Club. 1973. (\$25.00 plus tax)—7440 Alexander Court, Fair Oaks, CA 95628.
- Jones, Solomon James. *The Government Riots of Los Angeles, June 1973* (thesis, 1969). San Francisco: R & E Research Associates. Reprint 1973.
- Kahl Associates. *Preservation and Management of California's Coastline: A Critical Analysis of the California Coastal Zone Conservation Initiative of 1972*. Washington. 1972 (275 pp.)
- Kirker, Harold. *California's Architectural Frontier; Style and Tradition in the Nineteenth Century* (1960). Santa Barbara: Peregrine Smith, Inc. 1973. (\$4.95)
- Leach, Frank A. *Recollections of a Newspaperman: A Record of Life & Events in California* (1917). New York: Beekman Publishers, Inc. Reprint. 1973. (\$16.00)
- Lewis, Oscar. *To Remember Albert M. Bender; Notes for a Biography*. San Francisco: Grabhorn, Hoyem. 1973. (38 pp.)
- Loftis, Anne. *California—Where the Twain Did Meet*. New York: Macmillan. 1973. (281 pp., \$7.95)
- Lortie, Francis N., Jr. *San Francisco's Black Community, 1870-1890: Dilemmas in the Struggle for Equality* (thesis, 1970). San Francisco: R & E Research Associates. Reprint 1973.
- McWilliams, Carey. *Southern California: an Island on the Land* (1946). Santa Barbara: Peregrine Smith, Inc. 1973. (\$3.95)
- Madison, Arnold. *Vigilantism in America*. New York: Seabury Press, Inc., 1973. (\$5.95)
- Mason, Jack, and Thomas J. Barfield. *Last Stage for Bolinas*. Inverness: North Shore Books. 1973. (168 pp., \$5.00)—P. O. Box 293, Point Reyes Station, CA 94956.
- Meler, Vjekoslav, ed. *The Slavonic Pioneers of California; Published on Occasion of the Diamond Jubilee, 1857-1932 of the Slavonic Mutual and Benevolent Society of San Francisco*. San Francisco: R & E Research Associates. Reprint 1972.
- Mohave Indians: Alfred L. Kroeber, "Report on Aboriginal Territory and Occupancy of the Mohave Tribe;" Indian Claims Commission, "Findings of Fact, and Opinion." New York: Garland Publishing, Inc. 1973. (158 pp., \$21.00)
- Parker, J. Carlyle, ed. *Personal Name Index* compiled from *Memorial and Biographical*

- History of the Counties of Merced, Stanislaus, Calaveras, Tuolumne, and Mariposa, California* (1892). Turlock: California State College, Stanislaus. 1973. (free)—Library, California State College, Stanislaus, 800 Monte Vista Ave., Turlock, CA 95380.
- Peet, Mary Rockwood. *San Pasqual—A Crack in the Hills*. Rev. ed. Ramona: Ballena Press. 1973. (240 pp., \$3.95)
- Pettitt, George A. *Berkeley: The Town and Gown of it*. Berkeley: Howell-North Books. 1973. (208 pp., \$9.50)
- Pico, Pio. *Don Pio Pico's Historical Narrative*. Translated by Arthur P. Botello. Edited with introduction by Martin Cole and Henry Welcome. Glendale: A. H. Clark Co. 1973. (171 pp., \$9.50)
- Pomeroy, Earl. *Pacific Slope: A History of California, Oregon, Washington, Idaho, Utah & Nevada* (1965). Seattle: Univ. of Washington Press. 1973. (\$12.50)
- Rather, Lois. *Oakland's Image*. Oakland: Rather Press. 1973. (163 pp., \$25.00)—3200 Guido St., Oakland, CA 94602.
- Reinhardt, Richard W. *Treasure Island: San Francisco's Exposition Years*. San Francisco: Scrimshaw Press. 1973. (\$12.95)
- Reinstedt, Randall A. *Gold in the Santa Lucias*. Carmel: Ghost Town Publications. 1973.—P. O. Drawer 5998, Carmel, CA 93921.
- Ryan, William Redmond. *Personal Adventures in Upper and Lower California, in 1848-9*. New York: Arno Press. Reprint 1973.
- San Francisco: 1906 and Before* (essays). Ashland, Oregon: Lewis Osborne. 1973. (\$20.00)
- Schlappi, Jane, and Marilyn Ferguson. *A Walking Tour of Historic Placerville*. n.p.: The Heritage Association of El Dorado. 1973. (42 pp., \$2.32 incl. tax & postage)—P. O. Box 981, Placerville, CA 95667.
- Schmidt-Brummer, Horst. *Venice, California: An Urban Fantasy*. New York: Grossman. 1973. (106 pp., \$12.95 cloth, \$6.95 paper).
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- Thurman, A. Odell. *The Negro in California Before 1890* (thesis, 1945). San Francisco: R & E Research Associates. Reprint 1973.
- Upham, Samuel Curtis. *Notes of a Voyage to California via Cape Horn, Together with Scenes in Eldorado, in the Years 1849-50* (1878). New York: Arno Press. 1973. (594 pp.)
- Vaughan, Francis E. *Andrew C Lawson, Scientist, Teacher, Philosopher*. Glendale: Arthus H. Clark. 1973. (474 pp., \$10.00 plus tax)
- Voorhis, Jerry. *Strange Case of Richard Milhous Nixon*. New York: Popular Library, Inc. 1973. (\$1.25 paper)
- Weber, Francis J. *A Select Bibliographical Guide to California Catholic Periodical Literature, 1844-1973*. Los Angeles: Dawson's Book Shop. 1973.
- Wells, Harry Laurenz. *Wells' and Chambers' History of Butte County, California, 1882, and Biographical Sketches of its Prominent Men and Pioneers*. Introduction by W. H. Hutchinson. Berkeley: Howell-North Books. Reprint 1973. (305 pp.)
- Williams, R. Hal. *Democratic Party & California Politics*. Palo Alto: Stanford Univ. Press. 1973. (\$10.00)
- Wood, Jan, and Casey Crawford. *Tijuana, so Near and Yet so Foreign*. San Diego: Forum Publications. 1973. (\$1.75)—Serra Museum Bookstore, Presidio Park, P. O. Box 81825, San Diego, CA 92138.
- Wurm, Ted. *Hetch Hetchy and its Dam Railroad*. Berkeley: Howell-North Books. 1973. (\$13.50)

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In Memoriam

DONALD INCH SEGERSTROM, 1919-1973

Don, past trustee of the California Historical Society, was an individual of foremost importance to the modern Mother Lode. Born at Sonora on September 29, 1919, the son of Charles H. and Carrie E. Segerstrom, he became noted as a historian, publisher, and mine operator. Married to Mary Etta Farrell on October 10, 1942, he was the father of four sons and one daughter—James, Ann Elizabeth, Donald, Stephen, and David.

Don came by his mining interests naturally. His maternal grandfather, Richard Inch from Cornwall, the superintendent of the Soulsbyville mine, had brought many of the Cornish miners to this location in the early 1860's. Don's father, Charles, banker of Sonora, originally from Sweden, was instrumental in developing the Nevada-Massachusetts mine in Nevada. The leading U. S. producer of tungsten in World War II, this mine was to become of major interest to Don and his brothers and sister —Charles, Richard, William, and Martha—until his death on August 30, 1973. In addition, he was a substantial owner of various gold, silver, and copper mining properties in the Mother Lode and on the east side of the Sierra. As publisher of the *Mining and Industrial News*, he was ever forceful in promoting the development of mining in the West.

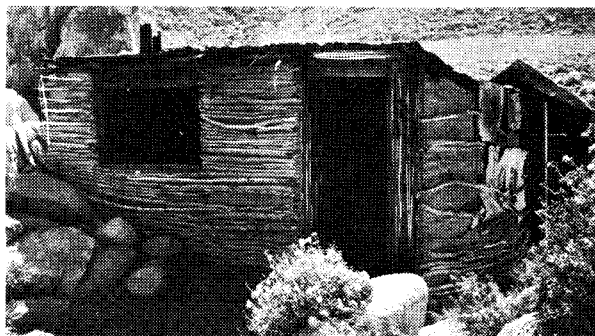
After his graduation in journalism in 1946 from the University of Nevada, Don devoted much of his time to the publication of the *Daily Union Democrat* of Sonora, which he had taken over in 1938. One of the oldest newspapers in California, it received a national newspaper award in 1952. Other publications which he headed were the *Mother Lode Magazine*, and, as mentioned above, the *Mining and Industrial News*. Always encouraging to others in publishing affairs, he was instrumental in bringing the *Pony Express Courier* to Sonora. His own newspaper library—the Segerstrom collection begun by his father, which concentrated on the southern Mother Lode—is considered outstanding in California, not to be exceeded by the California Historical Society, State, Bancroft, or Huntington libraries.

A member of many organizations, Don became chairman of the Golden Chain Council and served as an officer of the Mother Lode Highway Association. His greatest interest, however, was in history. Besides serving as a trustee of the California Historical Society, he was a founder and president of the Tuolumne County Historical Society and a leading member of E Clampus Vitus. In these capacities he encouraged the preservation and interpretation of historic sites and buildings, especially in the Mother Lode area and east of the Sierra. Among his foremost projects were the establishment of Columbia and Bodie State Historic Parks and the tracing of the emigrant trail through the Emigrant Basin. An outstanding authority on the Civil War, he participated in the Civil War Centennial. Most recently, he was a member of the American Revolution Bicentennial Commission of California. As a founder and vice-president of Western Heritage, Inc., he was instrumental in helping to develop research on such projects as Old Sacramento and the California Landing of Francis Drake, among others.

With the passing of Don Segerstrom, we have lost a true friend. Yet his inspiration carries on. His greatest monument is his family. He will be remembered always for his qualities as an individual and human being. Kindly, with a fine sense of humor, he gave of himself and his worldly goods for the advancement of his fellow man. No hypocrite, he detested those who acted falsely or with ulterior motive. Not overly religious, he was a leading member of the Episcopal Church in Sonora. A Republican, he showed a keen interest in politics. To sum it up, this was a man of the true West, in background, thought, and deed. His influence will be projected in his native land far into the future. Would that others may follow in his footsteps!

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Contents

California Historical Quarterly

Volume LII—1973

Published by the California Historical Society, San Francisco

NUMBER 1—SPRING 1973		<i>Page</i>
Eastern Thought On A Western Shore: Point Loma Community . . .		4
By Paul Kagan and Marilyn Ziebarth		
The Beginnings of Agriculture in California:		
Innovation <i>vs.</i> Continuity		16
By Rodman W. Paul		
James Ohio Pattie and the 1827-28 Alta California Measles Epidemic		28
By Rosemary K. Valle		
Russian Travel Notes and Journals As Sources for the		
History of California, 1800-1850		37
By Leonid A. Shur and James R. Gibson		
On the Brink of the Boom: Southern California in 1877		
As Witnessed by Mrs. Frank Leslie		64
By Richard Reinhardt		
REVIEWS		
Library Resources		81
Book Reviews		85
California Check List		91

NUMBER 2—SUMMER 1973		<i>Page</i>
Drake's Landing in California: A Case for San Francisco Bay . . .		100
By Robert H. Power		
The Railroad Reaches California:		
Men, Machines, and Cultural Migration		131
By John H. White, Jr.		
San Francisco Black Churches in the Early 1860's:		
Political Pressure Group		145
By Philip M. Montesano		
Charles Warren Stoddard: The Pleasure of His Company		153
By Brian McGinty		
REVIEWS		
Chicano Literature		170
Book Reviews		175
California Check List		184
Book of Remembrance		187

NUMBER 3—FALL 1973		Page
San Francisco's South of Market District, 1858-1958:		
The Emergence of a Skid Row		196
By Alvin Averbach		
Views of Vacation Land		224
Secrets of Pisco Punch Revealed		229
By William Bronson		
Research Uses of County Court Records, 1850-1879, And Incidental Intimate Glimpses of California Life and Society		
<i>Part I</i>		241
By W. N. Davis, Jr.		
REVIEWS		
Library Resources		267
Book Reviews		272
California Check List		284

NUMBER 4—WINTER 1973		Page
The Politics of Reclamation: California, the Federal Government, and the Origins of the Boulder Canyon Act—A Second Look		
By Norris Hundley		292
Buffoons and Brave Hearts:		
Hollywood Portrays the Russians, 1939-1944		326
By Melvin Small		
Research Uses of County Court Records, 1850-1879, And Incidental Intimate Glimpses of California Life and Society		
<i>Part II</i>		338
By W. N. Davis, Jr.		
REVIEWS		
Library Resources		366
Book Reviews		371
California Check List		377
In Memoriam		381
Index		385

Index

California Historical Society
Quarterly

Compiled by Anna Marie and Everett G. Hager

Volume LII

1973

CALIFORNIA HISTORICAL SOCIETY
SAN FRANCISCO

INDEX TO VOLUME FIFTY-TWO

- A Day of War* (motion picture), 330
 Adams, Alexander (1860), 258
 Adams, Ansel, 271
 Adda (child slave, 1864), 257
 African Methodist Episcopal (AME) Zion Church, San Francisco, 145, 146, photo., 149
 Agee, James, 330
 Agriculture, *See* "The Beginnings of Agriculture in California: Innovation *vs.* Continuity," 16-27
 Agur, Luke, 242
 Alamán, Lucas Ignacio, 34
 Alamo River, Mexico, 300, 301, 304, 305, 313
Albatross (vessel), 258
 All-American Canal, CA., 293-325 *passim*
 All-American Canal Association of Los Angeles, 310
All My Sons (motion picture), 335
 Almond, Judge William B., 350
Ambrose Bierce, by Mary E. Grenander, rev., 277-278
America (vessel), 46
Americans and the California Dream, 1850-1915, by Kevin Starr, rev., 374-375
 Anderson, Nels, quoted, 203, 204
 Andrade, Guillermo, 301, 302
 Andrews, Dana, 333
Ann Welsh (vessel), 248
Apollon (vessel), 44
 Archival Center, Los Angeles, *See* "Library Resources: Potpourri of Graphic Materials in the Los Angeles Federal Records Center," 366-370
 Archival Research, 241-266
The Argonaut (newspaper), 159
 Arizona, *See* "The Politics of Reclamation," 292-325
Arthur (vessel), 345
 The Associated Charities, San Francisco, 202
 Atomic Energy Commission Archives, 369
 Atwater, J. Bowman (1849), 255
 Auer, Mischa, 329
 Austin, Mary, 166
 Averbach, Alvin, "San Francisco's South of Market District, 1850-1950: The Emergence of a Skid Row," 196-223
 Ayala, Captain Juan (1775), 123-124

Baikal (vessel), 46
 Baird, Joseph A., Jr., rev. of Greiff, editor, *Lost America: From the Mississippi to the Pacific*, 280-281
Balalaika (motion picture), 327
 Baldwin, E. J. "Lucky," 68-69, 76, 77
 Bancroft, Hubert Howe, *See* "Russian Travel Notes and Journals as Sources for The History of California, 1800-1850," 37-63; 129-130, 267-271 *passim*
 The Bancroft Library, *See* "Library Resources: The Bancroft Library—Then and Now," 267-271
Bancroftiana (pub.), 270
 Bank Exchange, San Francisco, 229-240 *passim*
 Barry, Richard C. (1851), 256
Battle of Russia (motion picture), 331
 Bautista, Juan (1850), 256
 Baxter, Ann, 333
 Bazykin, Victor, 330
 Bean, Lowell John and Katherine Siva Saubel, *Temalpakh: Cahuilla Indian Knowledge and Usage of Plants*, rev., 281; rev. of Watkins, *California, An Illustrated History*, 372
 Beard, E. L., 18
 Borica, Governor Diego de, 34
 Beck, Warren A., and David A. Williams, *California: A History of the Golden State*, rev., 180-181
 Becker, Robert H., "Library Resources: The Bancroft Library—Then and Now," 267-271
 Beebe, Lucius, 236
 "The Beginnings of Agriculture in California: Innovation *vs.* Continuity," by Rodman W. Paul, 16-27
 Bell, Philip A. (1862), 147, 150; port., 149
 Benchley, Robert, 333
 Bernard, Captain Joseph C. (1852), 245, 246
 Bethel American Methodist Episcopal Church, San Francisco, 145, 147, 150; photo, 149
 Bibliography, *Californiana*, *See* "California Check List" 91-95, 184-186, 284-287, 377-379
 Bibliographic Sources, *See* "Russian Travel Notes and Journals as Sources for The History of California, 1800-1850," 37-63
 Bidwell, John, 250
 Birch, James E., 251
 Bishop, Charles (1851), 347
 Bissell, Charles A., 294
 Blake, William P., 299-300
 Blavatsky, Helena Petrovna, 2
 Blue, Daniel (1864), 257
 Bolkhovitinov, N. N., 38
 Bolton, Dr. Herbert Eugene, 130, 270
 Bona, V. (1849), 255
Book of Remembrance—1972, 187
 Boom Period (1877), *See* "On the Brink of

- the Boom: Southern California in 1877 as Witnessed by Mrs. Frank Leslie," 64-79
- Bosanach, Albert, 239
- The Boulder Canyon Act, *See* "The Politics of Reclamation," 292-325
- Boulder Dam Project Archives, 366-367
- Brannan, Samuel, 198, 244, 351
- Brayton Hall, Oakland, CA., 154
- Brennan, Walter, 333
- Briggs, G. G., 18
- Bronson, William, "Secrets of Pisco Punch Revealed: Being a True Account of the Rediscovery of San Francisco's Long-Lost Favorite of Favorites," 229-240
- Brooks, W. H., 307
- Brown, James (1850), 245
- Bruce, Samuel E. (1849), 255
- "Buffoons and Brave Hearts: Hollywood Portrays the Russians, 1939-1944," by Melvin Small, 326-336
- Burnett, Frances Hodgson, 162
- Burnett, Peter H., 250, 344, 345, 348
- Burnt-out Fires: California's Modoc Indian War*, by Richard H. Dillon, rev., 276-277
- Busing and Backlash: White Against White in an Urban California School District*, by Lillian B. Rubin, rev., 85-86
- Butler, Phyllis, rev. of Richey, *Remain to be Seen*, 373-374
- Butler, William (1850), 249
- Butterfield, Reuben, 253
- The Cable Car in America*, by George W. Hilton, rev., 179
- Caldiera, William, 107, 130
- Caldwell, A. B., 243
- California: A History of the Golden State*, by Warren A. Beck and David A. Williams, rev., 180-181
- California, An Illustrated History*, by T. H. Watkins, rev., 372
- California and the Dust Bowl Migrants*, by Walter J. Stein, rev., 272-274
- "California Check List," compiled by Peter Evans, 91-95; 184-186; 284-287; 377-379
- California: Land of New Beginnings*, by David Lavender, rev., 180-181
- California, 1800-1850, *See* "Russian Travel Notes and Journals as Sources of the History of California, 1800-1850," 37-63
- California* (locomotive), 138
- California Development Company (1896), 300, 302, 304, 305, 308
- California Historical Society*, *See* "Library Resources: CHS Collection on the History of Women in California," 81-84
- California Land Settlement Board, 316
- California Western University, 15
- Californiana*, *See* "California Check List."
- Calipatria, CA, 309
- Caltech Jet Propulsion Laboratory Archives, 369
- Cantú, General Estaban, 306
- Capra, Frank, 331
- Carleton's Pah-Ute Campaign*, by Dennis G. Casebier, rev., 275-276
- Carroll, Sarah (1850), 255-256
- Carswell, Mary Jane, 245
- Casebier, Dennis G., *Carleton's Pah-Ute Campaign*, rev., 275-276
- Catholic University of America, Washington, D.C., 162
- Caughey, John W., rev. of Gordon, *Charles F. Lummis: Crusader in Corduroy*, 177; *To Kill a Child's Spirit: The Tragedy of School Segregation in Los Angeles*, rev., 282-283
- Central Pacific Railroad, 138, 139, 252-253, 254
- Cermeño, Sebastian Rodríguez, 122
- Chaffey, George, 300
- Chan, Charlie, 326
- Chandler, Harry, 307, 309, 310
- Chapman, Charles E. (1921), 130
- Chapman, Zerrak W. (1849), 351
- "Charles F. Lummis: Crusader in Corduroy," by Dudley Gordon, rev., 177
- "Charles Warren Stoddard: The Pleasure of His Company," by Brian McGinty, 153-169
- Chase, John, 239
- "Chicano Control of Chicano History: A Review of Selected Literature," by Ralph C. Guzman, 170-175
- Childs, John W. (1850), 247
- Chinese in California, 148; in San Francisco, 201, 202
- Chittenden, Hiram M., 295
- Church, Sarah, 245
- Clark, Bennett Champ (of Missouri), 327
- Clark, Francis and James Lynch, *The New York Volunteers*, rev., 183-184
- Coachella Valley, CA, 299-325 *passim*
- Coachella Valley County Water District, 293-325 *passim*
- Coast Seaman's Union, San Francisco, 202
- Coffin, Mrs. Lillian Harris, photo, 82
- Cogley, John, 334
- Colorado* (vessel), 251
- Colorado River Compact of 1922, 292
- Colorado River Land Company, 307
- Columbia, CA, 350

- Compañía de Terrenos y Aguas de la Baja California, 305
Comrade X (motion picture), 329
Confessions of a Nazi Spy (motion picture), 334
 "Conies," 108, 109, 121
 Cook, S. F., 28, 30
 Cook, Warren L., *Flood Tide of Empire: Spain and the Pacific Northwest, 1543-1819*, rev., 371-372
 Coolbrith, Ina, 155, 161; portrait, 84
 Cooper, John B. R., 269
 Copland, Aaron, 333
 Corbett, Henry L., 235
 Corbett Investment Company, 234
 County Court Records (1850-1879), *See* "Research Uses of County Court Records, 1850-1879: and Incidental Intimate Glimpses of California Life and Society," 241-266; Part II, 338-365
 Crabtree, Lotta, portrait, 83
 Crowther, Bosley, 329, 331
 Crush, Elizabeth, *See* Pomeroy, Mrs. Walter
- Daily Worker* (newspaper), 330
 Davidson, George (Geographer), 116, 130
 Davies, Joseph E., 330, 331, 332
 Davis, Arthur Powell, 292-318 *passim*
 Davis, Isaac (1855), 346
 Davis, W. N., Jr., "Research Uses of County Court Records, 1850-1879," Part I: 241-266; Part II: 338-365
Day of Glory (motion picture), 333, 334
 Daylor, William (1840), 258
 deBalmis, Dr. Francisco Xavier, 34
 Dee, John (1567), 102
 dePurucker, Gottfried, 13, 15
A Description of the Kingdom of New Spain, by Sr. Dn. Pedro Alonso O'Crouley: 1774, trans. and edited by Seán Galvin, rev., 279-280
 Deste, Luli, 329
Destination Tokyo (motion picture), 331
 Dillon, Richard H., *Burnt-out Fires: California's Modoc Indian War*, rev., 276-277; rev. of Casebier, Carleton's *Pah-Ute Campaign*, 275-276; rev. of Egan, *Sand in a Whirlwind: The Paiute Indian War of 1860*, 275-276; rev. of Hermann, *The Paiutes of Pyramid Lake: A Narrative Concerning a Western Nevada Indian Tribe*, 275-276; rev. of Oswald, *The Life and Adventures of James P. Beckwourth, As Told to Thomas D Bonner*, 89-90; 233
Discovery (vessel), 42, 43, 44
- Donahue, Peter (1865), 137, 138
 Donald, David, 326
The Donner Party, by George Keithley, rev., 182-183
 Donovan, Lynn Bonfield, "Library Resources: CHS Collections on the History of Women in California," 81-84
 Dorman, Orrin, 231
 Dorn, Philip, 327
 Douglas, Sir James, 270
 Douglas, Melvyn, 327, 328; photo, 328
Downey (locomotive), photo., 135
 Drake, Sir Francis, *See* "Drake's Landing in California: A Case for San Francisco Bay," 100-130
 Drake Navigators Guild, 116, 130
 "Drake's Landing in California: A Case for San Francisco Bay," by Robert H. Power, 100-130
 Dring, Captain David, 250, 251
 Duels, in California, 347
 Duhaut-Cilly, Auguste Bernard, 34
 Dwinelle, John W., 129
- Eagle Theatre, Sacramento, 255
 "Eastern Thought on a Western Shore: Point Loma Community," by Paul Kagen and edited by Marilyn Ziebarth, 2-15
 Echeandía, General José María, 31, 33
 Eddy, Nelson, 327
 Egan, Ferol, rev. of Dillon, *Burnt-out Fires: California's Modoc Indian War*, 276-277; *Sand in a Whirlwind: The Paiute Indian War of 1860*, rev., 275-276
El Gobernador (locomotive), 142; photo., 140
 El Molino Viejo, San Marino, CA., 71
 El Rancho del Molinos, 71
Elephant (locomotive), photo., 134, 136
 Ellis, Richard N., rev. of Miller, *Unwritten History: Life Among the Modocs*, 283
 Elmendorff, William, 108
 Elsasser, Albert B., rev. of Meighan and Riddell, *The Maru Cult of the Pomo Indians: A California Ghost Dance Survival*, 177-178
 The Embarcadero, San Francisco, 202, 204, 211, 214
 Engelhardt, Father Zephyrin, 28, 31
 Epidemics, *See* "James Ohio Pattie and the 1827-1828 Alta California Measles Epidemic," 28-36
Essays and Assays: California History Reappraised, edited by George H. Knoles, rev., 375-376
 Estudillo, José María, 41

- Evans, Peter, compiler, "California Check List," 91-95; 184-186; 284-287; 377-379; 237
- Fall, Albert, 317
- Fall-Davis Report, 294, 317
- Farias, Gomez (1833), 53
- Field, Stephen J., 340
- Finod, L. G. J., de, 158-159
- Fletcher, Francis, 107, 108, 109
- Flood Tide of Empire: Spain and the Pacific Northwest, 1543-1819*, by Warren L. Cook, rev., 371-372
- Flynn, John T., 327, 329
- Folsom, Captain Joseph L., 198, 249, 252
- For Better or For Worse: The Ecology of an Urban Area*, by Harold Gilliam, rev., 373
- Fort Gaston, Humboldt County, CA, 259-260
- Fort Ross, CA, 43-46 *passim*; sketches of, 48, 49
- Fragnani, Mr. (artist), 79
- Francis Drake, Privateer: Contemporary Narratives and Documents*, edited by John Hampden, rev., 175-176
- The Friends of the Bancroft Library, 267-271 *passim*
- Gable, Clark, 326, 329
- Galvin, Seán, trans. and editor, *A Description of the Kingdom of New Spain by Sr. Dn. Pedro Alonso O'Crouley, 1774*, rev., 279-280
- Gammon (of Sacramento), 257
- Garbo, Greta, 327; photo, 328
- Geiger, Maynard, O.F.M., trans., *The Letters of Alfred Robinson to the de la Guerra Family of Santa Barbara, 1834-1873*, rev., 278-279
- George, Henry, 201, 296
- Gericke, Philip O., trans. and ed., Rojo, *Historical Notes on Lower California with Some Relative to Upper California Furnished to the Bancroft Library*, rev., 181-182
- Gibbs, Mifflin W., 147
- Gil, Dr. Francisco, 33
- Gila Valley, 367
- Gilbert, Franklin D. (monte dealer), 245
- Gillesem (Helsen), K., 42
- Gilliam, Harold, *For Better or For Worse: The Ecology of an Urban Area*, rev., 373
- Gilzen, K. K. (1864), 55, 56, 57
- Girardin Home, Monterey, photo., 157, 159
- Girardin, Jean, 159
- The Girl from Leningrad* (motion picture), 333
- Glaser, Hedwig Louise Minna (1879), 260
- Glass, Carter, 315, 316
- Gleason, Henry (1879), 259-260
- Globe Iron Works, Boston, 136
- Goebel, Julius, Jr., quoted, 338
- Goetzmann, William H., 31
- The Golden Era* (publication), 154
- The Golden Hind* (vessel), 101, 103, 105, 117, 123, 124, 129
- Goldwyn, Samuel, 333
- Golovnin* (vessel), 46
- Golovin, V. M., 40, 41
- Gophers (Bolta pocket), 109, 121
- Gordon, Dudley, *Charles F. Lummis: Crusader in Corduroy*, rev., 177
- Greene, A. Crawford, 233, 234, 235, 236
- Greene, Mabel, 239
- Greiff, Constance M., ed., *Lost America: From the Mississippi to the Pacific*, rev., 280-281
- Grenander, Mary E., *Ambrose Bierce*, rev., 277-278
- Griffiths, Farnham, 235, 236
- Grimes, Eliab (1854), 258
- Grimes, Hiram (1854), 258
- Grimes, Nathan, 258
- Grimes, Thaddeus, 258
- Ground squirrel (*Citellus beecheyi*), 108, 109, 121
- Guzman, Ralph C., "Chicano Control of Chicano History: A Review of Selected Literature," 170-175
- Hadley, Ebenezer, 300
- Hakluyt, Richard, 123
- Hale, Edward E., 129
- Hall, George W. (1853), 256
- Hammond, George P., 270
- Hampden, John, ed., *Francis Drake, Privateer: Contemporary Narratives and Documents*, rev., 175-176
- Hanson, Jerry, 239
- Haraszthy, Agoston, 18, 24
- Harding, Ann, 330, 333
- Harding, Warren, 317
- Hargrove, William (1849), 255
- Harmon, Judson, 301
- Hart, James D., 270
- Harte, Francis Bret, 155, 157
- Hastings, S. Clinton (1849), 255
- Haun, Judge H. P. (1850), 340
- Hayden, Carl (of Arizona), 311, 312, 315, 317
- Hayward Catering Company, 239
- He Stayed for Breakfast* (motion picture), 329
- Hearst, Phoebe Apperson, photo., 83

- Heintz, Dr. J. P. E., 159
 Heizer, Robert F., 108, 130
 Heller, Edward Hellman, 267
 Hellman, Lillian, 333
 Hermann, Ruth, *The Paiutes of Pyramid Lake: A Narrative Concerning a Western Nevada Indian Tribe*, rev., 275-276
 Hester, Thomas R., rev. of Bean and Saubel, *Temalpakh: Cahuilla Indian Knowledge and Usage of Plants*, 281
 Heustis, Judge A. I. (1860), 341
 Hilton, George W., *The Cable Car in America*, rev., 179
 Hinton, Richard J., 295
Historical Notes on Lower California with Some Relative to Upper California Furnished to the Bancroft Library, by Manuel C. Rojo. Trans. and edited by Philip O. Gericke, rev., 181-182
 "The Historiography of the Drake Controversy," by Donald G. Pike, 128-130
 Hitler, Adolf, 327, 330
 Hittell, John S., 20-22
 Hobart Town, Van Diemen's Land, 251
 Hoboes, 203, 204, 205, 206, 207
 Hodiak, John, 333
 Hollywood, *See* "Buffoons and Brave Hearts: Hollywood Portrays the Russians, 1939-1944," 326-336
 Hondius, Jodocus (cartographer), 104, 111, 114, 117
 Hondius, Jodocus II, illus., 106
 Honeyman, Robert B. (Collection of), 271
 Hooker, Major General "Fighting Joe" Joseph, 259
 Hooper, Eben B., 247
 Hopkins, Mark, 253
 Hopkins, Sarah, 245
 House Un-American Activities Committee (1947), 331, 334
 Howard, William D. M., 198
 Howell, Rev. Thomas, 145
 Howells, William Dean, 157
 Hubbard, Isaac M., 251
 Humboldt County (1853), 340; (1860), 341
 Hundley, Norris, "The Politics of Reclamation: California, the Federal Government, and the Origins of the Boulder Canyon Act—a Closer Look," 292-325
 Huntington, Collis P., *See* "The Railroad Reaches California," 131-144 *passim*
 Huston, Walter, 330, 333
I Was a Communist for the FBI (motion picture), 335
 Imperial Valley District, CA, 292-325 *passim*
 Imperial Laguna Water Company, 308, 310
In Memoriam: Donald Inch Segerstrom, 1919-1973, by V. Aubrey Neasham, 381
 Indians, Californian, archival materials, 370;
 See "James Ohio Pattie and the 1827-1828 Alta California Measles Epidemic," 28-36
 Industrial Workers of the World (IWW), 205, 207, 211
 Inter-California Railroad, 307
 International Longshoremen's Association (ILA), 211, 214
 Jaeger, L. J. Y., 252
 Jagger, Dean, 333
 James, George Wharton, 165
 "James Ohio Pattie and the 1827-1828 Alta California Measles Epidemic," by Rosemary K. Valle, 28-36
Janet (vessel), 251
 Janion, Robert, 251
 Japanese-Californian Archives, 369
John Walls, Jr., (vessel), 347
 Johnson, Dr. Ezra R., 146
 Johnson, Hiram W., papers of, 271; 317
 Johnson Rancho Road, 243
 Jones, Idwal, 233
 Jones, Senator John P., 79
 Judah, Theodore D., 137, 252
 Judge, William Quan, 5
 Kagan, Paul, edited by Marilyn Ziebarth, "Eastern Thought on a Western Shore: Point Loma Community," 2-15
Kamchatka (vessel), 40, 41, 52
 Keane, Bishop John J., 16
 Keith, William (artist), 155
 Keithley, George, *The Donner Party*, rev., 182-183
 "Kelley's Army" San Francisco, 202, 204, 205
 Kent, T. Jack Jr., rev. of Gilliam, *For Better or For Worse: The Ecology of an Urban Area*, 373
 Kettner, William, 294, 295, 299, 310, 311, 312, 317
 Kewen, Colonel E. J. C., 70-71
 Khlebnikov, K. T., 44, 45, 46, 47, 51
 Kimball Car Works, San Francisco, 138
 King, Mrs. Mary (Sacramento), 243
 King, Rev. Thomas Starr, 146, 147, 154
 Kingman *Mohave County Miner* (newspaper), 297
 Kinkaid, Moses, 315, 317
 Kleese, Margaret (1850), 347
 Kline, Frank (1867), 254

- Knoles, George H., editor, *Essays and Assays: California History Reappraised*, rev., 375-376
- Koeppler, Jack, 236
- Kurtz, Samuel, 242
- Kutuzov* (vessel), 46
- Kyakhta (vessel), 46
- Kyukhelbeker, M. K. (Kukelbaker), 44
- Labor and Laborers, problems of, 196-223 *passim*
- Laguna Dam, 309
- Lamarr, Hedy, 329
- Lamott, Kenneth, rev. of Keithley, *The Donner Party*, 182-183
- Lane, Franklin, 298, 308, 309
- Langsdorff, Georg H., 34
- Lannes, John, 235, 236, 237, 239, 240
- Lansing, Robert, 315, 316
- Larkin, Thomas O., 159
- Lassen, Peter, 250
- Laura Virginia* (vessel), 249
- Laura Virginia Association, 249
- Lavender, David, *California: Land of New Beginnings*, rev., 180-181
- Lawrence, D. H., 267
- Lawrence, Ernest Orlando, 271
- League of the Southwest, 311
- LeClair, Louis (1851), 347
- Lee, Mary (1853), 260
- Lee's Exchange, Sacramento, 244
- Leese, Jacob P., 159, 269
- L'Heros* (vessel), 34
- Lenin State Public Library, Moscow, USSR, 45
- Leopold, Dr. Starker, 109
- Leslie, Mrs. Frank, *See* "On the Brink of the Boom: Southern California in 1877 as Witnessed by Mrs. Frank Leslie," 64-79; portrait, 67
- Lester, Peter (1855), 147
- The Letters of Alfred Robinson to the de la Guerra Family of Santa Barbara, 1834-1873*, trans. by Maynard Geiger, O.F.M., rev., 278-279
- Lewelling Brothers (1850), 17
- "Library Resources: The Bancroft Library—Then and Now,: by Robert H. Becker, 267-271;—CHS Collections on the History of Women in California," by Lynn Bonfield Donovan, 81-84;—Potpourri of Graphic Materials in the Los Angeles Federal Records Center," by Norman E. Tutorow, 366-370
- The Life and Adventures of James P. Beckwourth, As Told to Thomas D. Bonner*, by Delmont R. Oswald, rev., 89-90
- Ling Sing (1853), 256
- Lippincott, J. B., 297, 298
- Liquors, *See* "Secret of Pisco Punch Revealed: Being a True Account of the Rediscovery of San Francisco's Long-Lost Favorite of Favorites," 229-240
- London, Jack, 200
- Los Angeles, *See* "On the Brink of the Boom: Southern California in 1877 As Witnessed by Mrs. Frank Leslie," 65-179 *passim*
- Los Angeles Federal Records Center, *See* "Library Resources" Potpourri of Graphic Materials in the Los Angeles Federal Records Center," 366-370
- Los Angeles Times (newspaper), 307
- Lose, Jacob, 243
- Lost America: From the Mississippi to the Pacific*, edited by Constance M. Greiff, rev., 280-281
- Loyal* (vessel), 42, 43
- Lusk, George C. (1851), 353
- Lutke, F. P., 40, 41
- Lynch, James and Francis Clark, *The New York Volunteers*, rev., 183-184
- M. H. Sherman Foundation, 294
- Machell, Reginald, 14
- Madden, John (1850), 344, 345, 351-352
- Marin County, CA, 103
- Marin County Indians, 257
- Market District, San Francisco, *See* "San Francisco's South of Market District, 1850-1950; The Emergence of a Skid Row," 196-223
- The Maru Cult of the Pomo Indians: A California Ghost Dance Survival*, by Clement W. Meighan and Francis A. Riddell, rev., 177-178
- Massey, Ilona, 327
- Mathes, W. Michael, rev. of Alric, ed. by Nunis, Jr., *Sketches of a Journey on the Two Oceans and to the Interior of America and of a Civil War in Northern Lower California*, 88-89; rev. of Galvin, ed., *A Description of the Kingdom of New Spain by Sr. Dn. Pedro Alonso O'Crouley, 1774*, 279-280; rev. of Gericke, ed. of Rojo, *Historical Notes on Lower California with Some Relative to Upper California Furnished to the Bancroft Library*, 181-182
- Matyushkin, F. F., 40, 41, 42
- Maxwell, Elsa, 329
- May, Philip Rose, *On the Mother Lode*, rev., 90

- Mayer, Louis B., 327, 334
 McCabe, Charles, rev. of Grenander, *Ambrose Bierce*, 277-278
 McCormick, Ann O'Hare, 331
 McDougall, Governor John, 352
 McGinty, Brian, "Charles Warren Stoddard: The Pleasure of His Company," 153-169
 McGloin, John Bernard, S.J., rev. of Geiger, O.F.M., trans., *The Letters of Alfred Robinson to the de la Guerra Family of Santa Barbara*, 1834-1873, 278-279
 McGrew, W. H. (1851), 353
 McKim (vessel), 249
 McKinstry, Judge E. W., 339
 McPherrin, Roy, 310
 Mead, Elwood, 316
 Measles epidemic of, *See* "James Ohio Pattie and the 1827-1828 Alta California Measles Epidemic," 28-36
 Meek, William, 18
 Meiggs, Henry, 143
 Meighan, Clement W., and Francis A. Riddell, *The Maru Cult of the Pomo Indians: A California Ghost Dance Survival*, rev., 177-178
 Mellett, Lowell, 334
 Merrit, Henry (1851), 344
 Metro-Goldwyn-Mayer, 327
 Mexicali Valley, Mexico, 299
 Mexican-American Literature, *See* "Chicano Control of Chicano History: A Review of Selected Literature," 170-175
 Mexico, *See* "The Politics of Reclamation," 292-325
 Micheli, Alfredo, 237, 239
 Migratory laborers, quarters of, 201-223 *passim*
 Miller, Joaquin, 155, 158, 166, 167; port., 165; *Unwritten History: Life Among the Modocs*, rev., 283
 Mission San Gabriel, 71-76 *passim*
 Mission to Moscow (motion picture), 330, 331, 334
 Missions, in California, *See* "James Ohio Pattie and the 1827-1828 Alta California Measles Epidemic," 28-36
 Miwok Indians, CA., 123, 124
 Moeller, Beverly Bowen, *Phil Swing and Boulder Dam*, rev., 86-87
 Molveistov, N., 51
 Montanus, Arnold (1671), 117
 Monterey, CA, 40-42; *See* "Charles Warren Stoddard: The Pleasure of His Company," 153-169
 Monterey Hotel (1905), 153, 163
 Montesano, Philip M., "San Francisco Black Churches in the Early 1860's: Political Pressure Group," 145-152
 Moore, Rev. John J., 146, 147, 150
 Mormon Island, CA, 345
 Morse, Dr. J. F. (1850), 249
 Murphy, George, 329
 Murphy, Nathan Oakes, 297
 Murray, Justice Hugh C., 346
 Myrick, David F., rev. of Hilton, *The Cable Car in America*, 179
 Nadeau, Remi, quoted, 294
 Neasham, V. Aubrey, *In Memoriam: Donald Inch Segerstrom, 1919-1973*, 381
 Needles, CA, 302
 Negroes, in California, *See* "San Francisco Black Churches in the Early 1860's: Political Pressure Group," 145-152
 Nelson & Doble, San Francisco, 251-252
 Newell, Frederick H., 298
 New River Country, CA, *See* Imperial Valley
 New York House, San Francisco, 213
 New York Times (newspaper), 329, 331
 The New York Volunteers in California, by Francis Clark and James Lynch, rev., 183-184
 Nicassio Indians, Marin County, 257
 Nickerson, J. S., 310
 Nicol, Duncan, 231, 233, 234; photo., 230, 238
 Ninotchka (motion picture), 327; photo., 328
 Nobles, William H. (1851), 250
 North Star (motion picture), 333, 334, 335
 Notre Dame University, Hawaii, 161-162
 "Nova Albion," 103
 Number 55 (locomotive), 139
 Nunis, Doyce B., Jr., editor of Alric, *Sketches of a Journey on the Two Oceans and to the Interior of America and of a Civil War in Northern Lower California*, rev., 88-89
 O'Connor, Kenneth, 162
 Office of War Information (OWI), 330, 334
 Oko, Captain Adolf (1964), 130
 Olcott, Henry, 5
 Olcott, Henry Steel, 2
 "On the Brink of the Boom: Southern California in 1877 as Witnessed by Mrs. Frank Leslie," by Richard Reinhardt, 64-79
 On the Mother Lode, by Philip Ross May, rev., 90
 Oriental labor (1904), 307
 Osborn, J. W., (of Napa), 18
 Oswald, Delmont R., *The Life and Adventures of James P. Beckwourth, As Told to Thomas D Bonner*, rev., 89-90
 Overland Monthly (pub), 129, 155-156

- Page, Bacon & Company (1853), 260
The Paiutes of Pyramid Lake: A Narrative Concerning a Western Nevada Indian Tribe, by Ruth Hermann, rev., 275-276
 Palmer, Joel (1852), 250
 Panama Railroad, 137
 Paoli's, San Francisco, 237
 Parker, Carleton, 205, 207
 Parsons, Judge Levi (1851), 339, 340
 Pastorio (Marin County Indian), 257, 343
 Pattie, James Ohio, *See* "James Ohio Pattie and the 1827-1828 Alta California Measles Epidemic," 28-36
 Paul, Rodman W., "The Beginnings of Agriculture in California: Innovation *vs.* Continuity," 16-27
 Peck, Gregory, 334
 Pelton, Ross D., 237
 Pérez, Eulalia, 71-75
 Perry, C. N., 305
 Peters, Charles Rollo, 164
 Peters, Susan, 333
Phil Swing and Boulder Dam, by Beverley Bowen Moeller, rev., 86-87
 Phillips, Charles, 161
 Pickett, Charles E., 344
 Pico House, Los Angeles, 66
 Pike, Donald G., "The Historiography of the Drake Controversy," 128-130
 Pinther, Mrs. Theodore, Jr., photo., 82
 Pinther, Mrs. Theodore, Sr., 82
Pioneer (locomotive), photo., 134
 "Pip Pepperpod" *See* Stoddard, Charles Warren
 Pisco Punch, *See* "Secrets of Pisco Punch Revealed: Being a True Account of the Rediscovery of San Francisco's Long-Lost Favorite of Favorites," 229-240
 Plate of Brass, *See* "Drake's Landing in California: A Case for San Francisco Bay," 100-130
 Point Loma, CA., *See* "Eastern Thought on a Western Shore: Point Loma Community," 2-15
 Point San Quentin, CA., 103, 115, 118, 119, 122
 "The Politics of Reclamation: California, the Federal Government, and the Origins of the Boulder Canyon Act—a Closer Look," by Norris Hundley, 292-325
 Pomeroy, Elizabeth Crush (1855), 258-259
 Pomeroy, Walter (1859), 258-259
Portus Novae Albionis, 100-130 *passim*
 Potter, William, (1850), 255-256
 Powell, John Wesley, 295, 317
 Power, Robert H., "Drake's Landing in California: A Case for San Francisco Bay," 100-130; rev. of Hampden, ed., *Francis Drake, Privateer: Contemporary Narratives and Documents*, 175-176
 Price, Charles P. (1849), 255
 Prison labor (1851), 350-351
 Prohibition, 237
 Prosser, Kenneth, 236
 Prudon, Victor, 259
 Prudon, Mrs. Victor (Theodocia), 259
Public Deb #1 (motion picture), 329
 Putnam, Albert (1852), 245
 "The Railroad Reaches California: Men, Machines, and Cultural Migration," by John H. White, Jr., 131-144
 Raja Yoga School, 7, 9, 15
 Ralston, J. H., 347
 Ranching, *See* "The Beginnings of Agriculture in California: Innovation *vs.* Continuity," 16-27
 Rancho del Paso, 250, 258
 Rancho Laguna de San Antonio (Sonoma County), 259
 Rand, Ayn, 334
 Randall, Charles H., 311, 312
 Ray, Henry (1849), 255
 Raymond, Charles, 344
 Real Hospital de los Indios, 30
 Reconstruction Finance Corporation Archives, 367
 Reinhardt, Richard, "On the Brink of the Boom: Southern California in 1877 as Witnessed by Mrs. Frank Leslie," 64-79
Remain to be Seen, by Elinor Richey, rev., 373-374
 "Research Uses of County Court Records, 1850-1879: and Incidental Intimate Glimpses of California Life and Society," by W. N. Davis, Jr., 241-266; Part II: 338-365
 Richey, Elinor, *Remain to be Seen*, rev., 373-374
 Riddell, Francis A., and Clement W. Meighan, *The Maru Cult of the Pomo Indians: A California Ghost Dance Survival*, rev., 177-178
 Rincon Hill, San Francisco, 198, 199, 200
 Rincon Point, CA., 198
Rising Sun (vessel), 247
 Rising Sun Mining and Trading Association (1850), 247
 Rix, Julian, 163
 Robidoux, Miguel, 31
 Robinson, Dr. Charles, 351

- Robinson, Edward G., 334
 Robinson, Sarah (1855), 346
 Rockwood, Charles R., 300, 301, 302, 304; photo., 314
 Rojo, Manuel C., trans. and ed., by Philip O. Gericke, *Historical Notes on Lower California with Some Relative to Upper California Furnished to the Bancroft Library*, rev., 181-182
 Rolle, Andrew F., rev. of Beck and Williams, *California: A History of the Golden State*, 180-181; rev. of Lavender, *California: Land of New Beginnings*, 180-181
 Roman, Anton, 155
 Roosevelt, Franklin Delano, 335
 Rose, Leonard J., 69, 70, 71
 Rose, Mark (1912), 308, 309, 311, 315, 316, 317
 Ross, H. C. (1851), 347
 Rubin, Lillian B., *Busing and Backlash: White against White in an Urban California School District*, rev., 85-86; rev. of Caughey, *To Kill a Child's Spirit: The Tragedy of School Segregation in Los Angeles*, 282-283
 Rurik (vessel), 44
 Russia and Russians, *See* "Buffoons and Brave Hearts: Hollywood Portrays the Russians, 1939-1944," 326-336
 Russian-American Company, 40-63 *passim*
 "Russian Travel Notes and Journals as Sources for the History of California, 1800-1850," by Leonid A. Shur and James R. Bigson, 37-63
 Sackett, Charles C., 246, 247
 Sacramento (1849-1856), 338-365 *passim*
 Sacramento Valley Railroad, 136, 137, 142
 St. Vincent de Paul's Center for Servicemen, San Francisco, 215
 Salvation Army Institute, San Francisco, 202, 213, 218
 Salvation Army's Industrial and Social Department, 205, 210
 San Antonio and San Diego Mail Line (1857), 251
 San Diego County, CA., *See* "Eastern Thought on a Western Shore: Point Loma Community," 2-15
 San Diego Herald (newspaper), 252
 Sand in a Whirlwind: The Paiute Indian War of 1860, by Ferol Egan, rev., 275-276
 Sanderson, Rev., 147
 Sandford, Captain (1850), 346-347
 Sandford, Jr., Josiah, 248, 249
 San Francisco, *See* "Drake's Landing in California: A Case for San Francisco Bay," 100-130; *See* "Secrets of Pisco Punch Revealed: Being a True Account of the Rediscovery of San Francisco's Long-Lost Favorite of Favorites," 229-240; *See* "Charles Warren Stoddard: The Pleasure of His Company," 153-169
 San Francisco's Bay Area Rapid Transit System, 143
 "San Francisco Black Churches in the Early 1860's: Political Pressure Group," by Philip M. Montesano, 145-152
 San Francisco Call (newspaper), 129
 San Francisco Chronicle (newspaper), 158, 199
 San Francisco Committee of Vigilance (1851), 339
 San Francisco Examiner (newspaper), 205
 San Francisco Herald (newspaper), 339
 San Francisco Lunar Visitor (newspaper), 147
 San Francisco Mirror (newspaper), 147
 San Francisco News (newspaper), 237
 San Francisco Pacific Appeal (pub.), 147, 148
 San Francisco Redevelopment Agency, *See* "San Francisco's South of Market District" 196-223 *passim*
 San Francisco and San Jose Railroad, 137
 San Francisco Union Iron Works, 134, 137
 San Francisco's South of Market District, 1850-1950: The Emergence of a Skid Row," by Alvin Averbach, 196-223
 Santa Monica, CA., 76, 77, 79
 Satchell, Rev. Charles, 145
 Saubel, Katherine Siva and Lowell John Bean, *Temalpakh: Cahuilla Indian Knowledge and Usage of Plants*, rev., 281
 Schenck, Nicholas, 327
 Schoolcraft, Henry A., 351
 Scott, Irving M., 138
 "Secrets of Pisco Punch Revealed: Being a True Account of the Rediscovery of San Francisco's Long-Lost Favorite of Favorites," by William Bronson, 229-240
 Segerstrom, Donald Inch, *Obituary*, 381
 Selby Shot Tower, San Francisco, 199
 Senator (vessel), 245
 Seymour, Fanny (1852), 245
 Shinn, Beryle, 107, 117, 118, 130
 Shishmarev, N. D., 44
 Shur, Leonid A., and James R. Gibson, "Russian Travel Notes and Journals as Sources for the History of California, 1800-1850," 37-63
 Simoneau, Jules, 163-164

- Sketches of a Journey on the Two Oceans and to the Interior of America and of a Civil War in Northern Lower California*, by the Abbe Henry J. A. Alric, edited by Doyce B. Nunis, Jr., rev., 88-89
- Ski Patrol* (motion picture), 327, 328, 329
- Skid Row, San Francisco, *See* "San Francisco's South of Market District, 1850-1950: The Emergence of a Skid Row," 196-223
- Slater, Peter (of Sacramento), 255
- "Slave Market," San Francisco, 206
- Small, Melvin, "Buffoons and Brave Hearts: Hollywood Portrays the Russians, 1939-1944," 326-336
- Smith, Anson, 297, 317
- Smith, H. (1851), 347
- Smith, Isaac, (1849), 247
- Smith, Jack (1840), 258
- Smith, Kent, 333
- Sociedad de Irrigación y Terrenos de la Baja California, 301
- Sola, Pablo Vicente de, 41
- Soldier's, Sailor's and Marine's Land Settlement Conference (1919), 312
- Soler, Dr. Pablo, 34
- Somers, Fred, 159, 163
- Song of Russia* (motion picture), 333, 334, 335
- Sonnichson vs Brown, et al.* (court case), 249
- Sorbier, Cecile M., port., 83
- Soule, Frank, 129
- South Park, San Francisco, 198, 199
- Southern Pacific Railroad (1907), 304, 305, 307, 310
- Soviet Union Archives, *See* "Russian Travel Notes and Journals as Sources for the History of California, 1800-1850," 37-63
- Spender, Stephen, 267
- Stalin, Joseph, 331
- Stanford, Leland, 139, 253
- Starkey, James (of Liverpool, Eng.), 251
- Starkey, Janion & Company, 250
- Starkey, John Jackson (of San Francisco), 251
- Starr, Bensley & Company (of Sacramento), 250
- Starr, Kevin, *Americans and the California Dream, 1850-1915*, rev., 374-375; rev. of Knoles, editor, *Essays and Assays: California History Reappraised*, 375-376
- Starr, Walter A., 130
- State Relief Administration of California (SRA), 212, 213, 213
- Stein, Walter J., *California and the Dust Bowl Migrants*, rev., 272-274
- Sten, Anna, 333
- Sterling, George, 166, 167; port., 165
- Stevens, Andrew Jackson (1870), 139, 141, 142; port., 140
- Stevenson, Robert Louis, 159-160
- Stewart, George R., rev. of May, *On the Mother Lode*, 90
- Stidger, Oliver Perry, *See* "Secrets of Pisco Punch Revealed: Being a True Account of the Rediscovery of San Francisco's Long-Lost Favorite of Favorites," 229-240 *passim*
- Stillman, Dr. J. D. B., 129, 249
- Stockton, CA., 347-348
- Stoddard, Charles Warren, *See* "Charles Warren Stoddard: The Pleasure of His Company," 153-169; port., 156
- Stoddard, George A., 139
- Straits of San Pablo, CA., 104, 105
- Strong, Belle (Mrs. Joe), 161
- Strong, Joe (artist), 158, 161, 163, 164
- Strong, Lizzie, 159
- Strong, Nolie, 159
- Sunny Slope Ranch, CA., 70-71
- Sutter, John A., 257-258, 340, 343, 351
- Sutter Hotel, Sacramento, 250
- Swing-Johnson Bill, 294, 317
- Swing, Phil, 310, 311, 312, 313, 315, 317, 318; photo., 303
- Tanner, George (of Yuba City), 345-346
- Tapis, Father Estevan, 34
- Tarbell, D. C., 253-254
- Tardeo (Marin County Indian), 257
- Tavernier, Jules (artist), 159, 160, 163
- Taylor, Paul S., rev. of Moeller, *Phil Swing and Boulder Dam*, 86-87
- Taylor, Robert, 332, 333, 334
- Temalpakh: Cahuilla Indian Knowledge and Usage of Plants*, by Lowell John Bean and Katherine Siva Saubel, rev., 281
- Terentyev, G., 51
- Theosophical Society, *See* "Eastern Thought on a Western Shore: Point Loma Community," 2-15
- Third Baptist Church, San Francisco, 145, 146
- Thompson, Rev. Joseph, 145
- Three Russian Girls* (motion picture), 333
- Tingley, Katherine ("Purple Mother"), *See* "Eastern Thought on a Western Shore: Point Loma Community," 2-15; portraits, 4, 14
- To Kill a Child's Spirit: The Tragedy of School Segregation in Los Angeles*, by John Caughey, rev., 282-283
- TOOR (Tenants and Owners in Opposition to Redevelopment) San Francisco, 218-219
- Torrence, John, 231

- Toumanova, Tamara, 332, 334
 Townsend, Jonas H., 147
 Transamerica Corporation, 239
 Treutlein, Theodore E., rev. of Cook, *Flood Tide of Empire: Spain and the Pacific Northwest, 1543-1819*, 371-372
 Truman, Major Ben C., 65
 Trumbo, Dalton, 329-330
 Turner, Judge William R., 340, 351
 Tutorow, Norman E., "Library Resources: Potpourri of Graphic Materials in the Los Angeles Federal Records Center," 366-370
 Twain, Mark, 158, 162, 267

 Union Iron Works—San Francisco, 134, 137
 Union Town, CA., 243
 The Universal Brotherhood and Theosophical Society, 7
 University of California, Berkeley, *See* "Library Resources" The Bancroft Library—Then and Now," 267-271
Unwritten History: Life Among the Modocs, by Joaquin Miller, rev., 283
 Urban Redevelopment, San Francisco, 196-223
 United States Geological Survey, 295
 United States War Department, 302

 Valle, Rosemary K., "James Ohio Pattie and the 1827-1828 Alta California Measles Epidemic," 28-36
 Vallejo, Mariano Guadalupe, 269, 270
 Vancouver, Captain George, 123
 Vasilyev, M. N., 42, 43
 Veniaminov, I. Ye. (Innokenty, 1797-1879), 53, 54
 Vioget, J. J., 57
 Volunteers of America, 205, 210
 von Humboldt, Alexander, 129
 von Stroheim, Eric, 333
 Voznesensky, I. G., 48, 50, 54, 55, 56, 57, 58
 Vulcan Iron Works, San Francisco, 135, 137, 139

 Wagner, Henry Raup, 122, 130
 Walker, William (1851), 339
 Warbuss, Thomas A., 351
 Ward, Rev. Thomas M. D., 145, 147, 150
 Warner, Jack, 331
Washington (vessel), 250
 Waters, Comdr. D. W., 124
 Watkins, T. H., *California, An Illustrated History*, rev., 372
 Watson, David (1849), 255
 Welch, Benjamin, 142
 Wells, Fargo & Company (1853), 251
 West Side Irrigation Company, CA., 310
 Weymouth, Frank E., 294
 Wheatland Hopfields Riot (1913), 207
 Whistler, George Washington, 143
 Whitcomb, James (1851), 347
 White, John H., Jr., "The Railroad Reaches California: Men, Machines, and Cultural Migration," 131-144
 Wickson, Professor Edward J., 16, 19, 24
 Wiggin, Kate Douglas, 200, 202
 Wilkie, William, 243
 Williams, David A., and Warren A. Beck, *California: A History of the Golden State*, rev., 180-181
 Williams, Dr. George W. (1851), 353
 Williams, Jonathan (1850), 248, 249, 346-347
 Wilson, Anna (1858, Eel River), 353
 Wilson, John (1852), 250
 Winship, Captain (of the *Albatross*), 258
 The Winters Hotel, Coloma, CA., 249
 Women in California, *See* "Library Resources: CHS Collection on the History of Women in California," 81-84
 Wollenberg, Charles, rev. of Rubin, *Busing and Backlash: White Against White in an Urban California School District*, 85-86; rev. of Starr, *Americans and the California Dream, 1850-1915*, 374-375; rev. of Stein, *California and the Dust Bowl Migrants*, 272-274
 Woodbine, George E., quoted, 338-339
 Woodbury, David, 294
 Woodworth, Willie, 162-163, 164
 World War II, *See* "Buffoons and Brave Hearts: Hollywood Portrays the Russians, 1939-1944," 326-336; archival records, 369
 Workingmen's Party of California, 200, 201
 Wozencraft, Dr. Oliver M. (1849), 299, 300
 Wrangel, F. P., 51-53, 54
 Wyman, Judge J. E. (1853), 340-341, 353

 Yager, Thomas, 315
 Yates, John, rev. of Clark and Lynch, *The New York Volunteers*, 183-184
 Yerba Buena Center, San Francisco, 198-223
passim
 Young, Gideon, 344
 Young, Loretta, 329
 Yount, George, 259
 Yuba City (1850), 340
 Yuma Valley, AZ, 302, 304

 Ziebarth, Marilyn, editor of Kagan, "Eastern Thought on a Western Shore: Point Loma Community," 2-15

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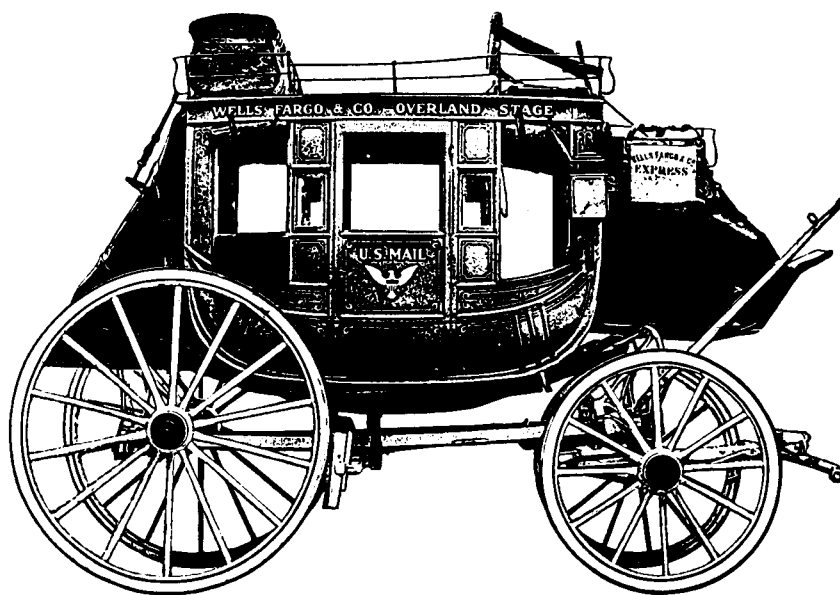
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